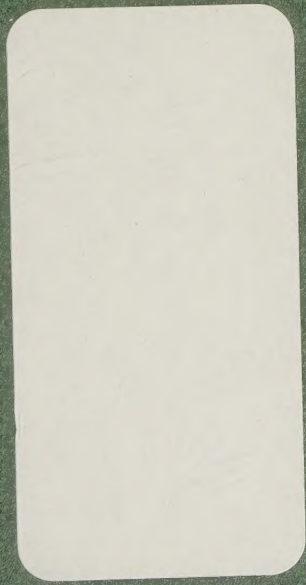
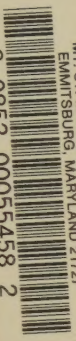




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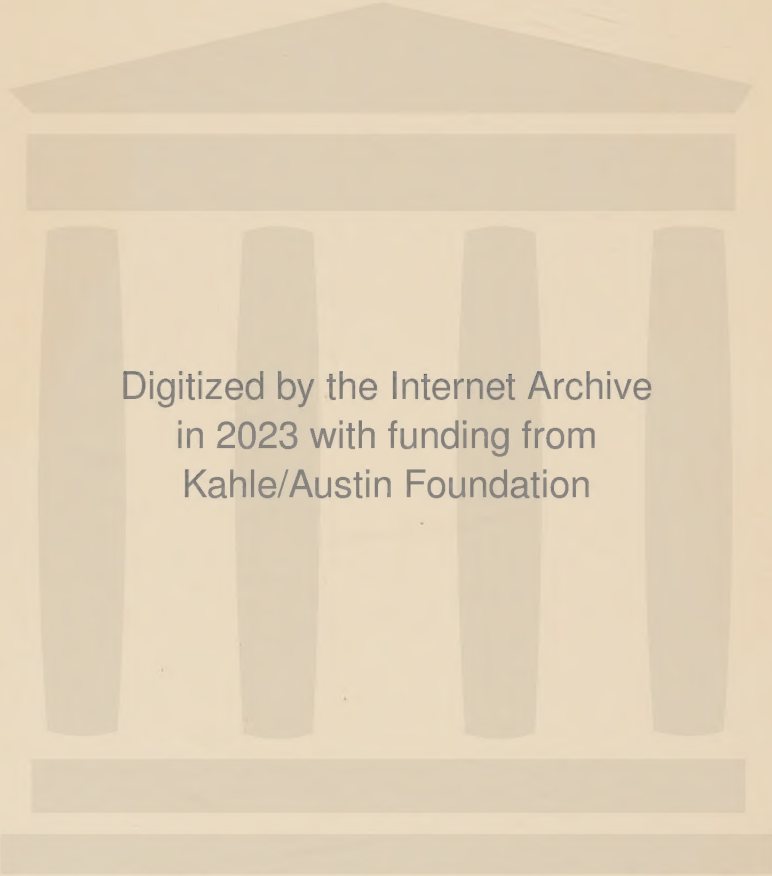
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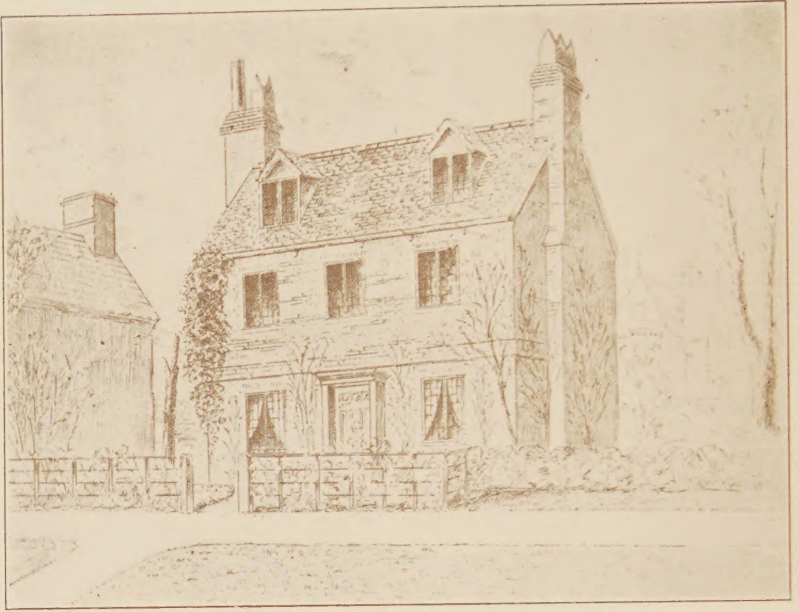
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BUTTON GWINNETT



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The Vicarage

At Down Hatherley, Gloucestershire, the birth-place and boyhood home of Button Gwinnett. From a pencil sketch of an unknown date. The house is no longer standing.

BUTTON GWINNETT

Signer of the Declaration of Independence

BY

CHARLES FRANCIS JENKINS



"Gwinnett is, if possible, a Whig to excess"

—DR. LYMAN HALL

GARDEN CITY NEW YORK
DOUBLEDAY, PAGE & COMPANY

1926

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FIRST EDITION

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INTRODUCTION

As THE fiftieth anniversary of the independence of the United States approached, in 1826, the plan was conceived of preparing a collection of biographies of the fifty-six men who had become immortal by affixing their names to the Declaration of Independence. A young scholar and lawyer of Philadelphia, John Sanderson, was interested and was placed in charge of the work which has since been known as Sanderson's "Lives of the Signers." He prepared the lengthy introduction, which, with the sketch of John Hancock, written by no less a person than John Adams, makes the first volume. This appeared in 1823. Sanderson also edited the second volume, but beyond this point, the work of editing was committed to other hands. The plan was adopted of securing writers who would be most familiar with the subject of the sketch, and in some cases a descendant of the particular signer was secured to write about his ancestor. To Hugh M'Call, the early historian of the state of Georgia, was committed the preparation of the biographies of the three signers from that state. The sketches of Button Gwinnett and Lyman Hall were included in volume three, which issued from the press in 1824. He was the writer best equipped and most familiar with the subject at the time. His first volume of the "History of Georgia" had been published in 1811, and the second volume, which contains his references to Gwinnett, followed it in 1816. In his "Notice to the Public," he had asked the assistance of those gentlemen still living who had participated in the struggle for independence,

soliciting from them "copious communications." By 1824, when he wrote the sketches for Sanderson's "Lives," there were few still living who had any worth-while remembrance of Gwinnett, who had passed away nearly half a century before. M'Call was a great invalid for many years; when not actually confined to his bed he used a rolling chair in which to move about his room. He was thus greatly handicapped in his access to the records, many of which, not available at the time, have since become accessible. M'Call was a major in the regular army and unsympathetic to the political views of Gwinnett and his party. He was impatient of any civil authority which would seek to check the power of the military or which would reflect in any way on the men who were part of the system.

All subsequent biographies of Gwinnett have had for their basis this early work of M'Call, which, depending largely on tradition, on his account in his "History of Georgia" and such facts as were brought to him, is full of errors and generally unsatisfactory. Bishop Stephens, in his later history of the state, and Colonel Charles C. Jones, whose "History of Georgia" appeared in 1883, simply followed M'Call in their estimate of Gwinnett. Much later, Colonel Jones wrote his "Biographical Sketches of the Delegates to the Continental Congress," which includes Button Gwinnett, for which he was able to draw on some original sources, by that time available, and in which a number of the early errors of dates and facts were corrected.

Major M'Call in extenuating General Lachlan McIntosh, by whose bullet Button Gwinnett met his death, made the former the patient, unwilling, and patriotic victim of circumstances, while Gwinnett was the jealous, hot-headed, and intolerant aggressor. How far this was from

being the truth the following chapters will disclose. The writer has no desire to lessen the high regard in which McIntosh has been held in Georgia for a century and a half; he only asks that a greater measure of justice be accorded the memory of Button Gwinnett and a higher estimate made of his services to his state and nation. It is unfortunate that, in getting at the truth, it has been disclosed that General McIntosh was less esteemed by many of his contemporaries, than he is admired by the present generation. It was one of the many tragedies of our Revolutionary history that the promising career of Gwinnett was closed so early and the influence and services of McIntosh to his country were so greatly lessened by a resort to a condemned and wicked trial by arms.

There are other signers of the Declaration of Independence less known than Button Gwinnett. His striking name and the manner of his taking off have marked him off from the lesser lights of the Continental Congress. But his fame has not wandered far from the yellow and faded document now so handsomely housed in the Library of Congress, nor has it extended much beyond the borders of his native state. At a recent social dinner with two college professors and their wives and a well-known publicist, not one of them had ever heard of Button Gwinnett. A friend tells me that even one of the clerks in the manuscript division of the Library of Congress thought the name applied to some breakfast food. But then the Library of Congress contains but one of his autographs. He was the second of the signers who passed away, John Morton of Pennsylvania having been the first. By a series of fatalities, there is less original material available on which to build a life of Gwinnett than of any other signer, not even excepting Thomas Lynch, Jr., of South Carolina.

The sale in November, 1924, of an autograph of Gwin-

nett, consisting of his name signed to a legal document, for the record sum of \$14,000 at public auction, is a measure of the rarity of letters or documents that would throw light on his life, or give aid to his biographer. In collecting autographs of the signers, their intrinsic value is in inverse ratio to their prominence. Autographs of Thomas Jefferson, John Adams, Robert Morris, Richard Henry Lee, and other well-known men of the Revolutionary period can be bought for moderate amounts, while those of Thomas Lynch, Jr., Arthur Middleton, George Taylor, John Morton, John Hart, and some others, bring hundreds of dollars where the former bring but tens. The last sale of a Thomas Lynch, Jr., signature was for \$4,000, and this was simply his name on the flyleaf of a book from his library. There are two reasons for this disparity in prices. Prominent and active public men wrote profusely, and correspondents were more apt to keep their letters, coming as they did from important personages. There are thus more of their letters in existence, and the economic law of supply and demand holds in the autographic world as elsewhere.

In Gwinnett's case, his family is extinct in England and America and his homes destroyed, his papers, books, and household belongings scattered. He met a violent death at an unsettled time, and his fame did not come until within the closing year of his life. No one thought of preserving his early letters, and the fates have been unkind to those he may have written in later years and on public affairs. There are thirty-six known autographs of Gwinnett in existence, mostly signatures to deeds, mortgages, wills, legal papers, and receipts. There are a few short notes on business or matters of state, and only one contemporary copy of a letter on public affairs. No family letters or records, no diaries or journals, no account

books, no gossipy allusions in the letters of his friends—nothing, in fact, of any consequence to help his biographer. Original family sources are as dry as Sahara with one or two diminutive oases.

With this extreme scarcity of material for biography making, the amount of information which has been unearthed has been gratifying. Were the writer superstitious, or a believer in the directing influence of departed spirits, it would seem as if the shade of Gwinnett or some of his friends were helping to uncover material about him. There have been a number of remarkable “finds”; one instance will suffice. A visit to the Court of Ordinary, of Chatham County, Georgia, an office corresponding to the Register of Wills in some states, was barren of results. The officials stated that Gwinnett’s will and all the accompanying papers had been missing for years. Many eyes had searched the index. There was nothing left. The following day, while I was walking along a business street in Savannah past the show window of a conveyancer and estate agent, my eye lighted on a good map of the city and its suburbs. After purchasing a copy of the map, we began talking about Button Gwinnett. “Where have I seen that name?” he queried. He had completed for his own use an index of the papers in the Court of Ordinary, and beginning at 1777, the date of Gwinnett’s death, he carefully ran his finger down the “G’s” for page after page. Years after his death and where no one would have thought of looking, we found the name, and the reference to a certain file and number. I hurried back to the Court of Ordinary and accompanied the obliging chief clerk to the record vault, where the file was taken down, disclosing a bulky package of many pages containing all the accounts of Lyman Hall, Executor, filled with intimate and definite information relating to Gwinnett’s

affairs. Colonel Charles Colcock Jones, in his biographies of the Georgian members of the Continental Congress, states that this account was in the files of the Court of Ordinary, but his reference was not noted until long after the papers were located. He apparently did not examine them carefully, or he would have made more use of the information which they contain.

The discovery of the contemporary copy of a long letter by Button Gwinnett on public affairs, written while he was president of Georgia in 1777, and of three letters or petitions from his widow, together with a letter from Governor Treutlen of Georgia on Gwinnett's affairs, all in the Library of Congress, has been one of the interesting incidents in my search for information. They had been there, no one knows how long, unindexed and their existence unsuspected. A clue given Mr. John C. Fitzpatrick, assistant chief of the manuscript division, enabled him to locate them, to his amazement and the writer's satisfaction. I am indebted to him for this and many other helpful courtesies.

Especially are my thanks due to Mr. William Stafford Irvine of Atlanta, Ga., for invaluable assistance. Mr. Irvine for many years had contemplated writing a sketch of Gwinnett, but when he learned that I was at work, he generously placed his material at my disposal and continued his researches in my behalf through the archives in the Secretary of State's office in Atlanta. He succeeded in unearthing copies of many documents relating to Gwinnett—deeds, mortgages, accounts, commissions, powers of attorney, and lawsuits—many of which had not been indexed and were unknown. In the course of his searches, he made several interesting discoveries and rescued from oblivion, and probable destruction, a number of important papers and a map. These have been deposited in a place

of safety with the Department of Archives of the state. Mr. Irvine's continued interest and enthusiasm have been a constant stimulus in the preparation of this sketch.

It is a pleasure to name a number of friends and correspondents who have greatly assisted me. To them I return my grateful thanks. They are: Mr. Joseph E. Dutton of the Probate Registry of Gloucester, England; Rev. C. E. Luce, Vicar of St. Nicholas, the church of Gwinnett's father in Gloucester; Rev. H. V. Schuster of Down Hatherley, Gloucestershire; Miss Mabel L. Webber of the South Carolina Historical Society; Mr. Victor H. Paltsits of the New York Public Library; Mr. A. J. Wall of the New York Historical Society; and Messrs. Leonard L. Mackall, Otis Ashmore, and Major William Harden of the Georgia Historical Society. Cordial access to historic documents in the possession of Mr. F. L. Diard of Mobile, Ala., has been greatly appreciated. The officials at Atlanta, Ga., have been especially kind. The Secretary of State, the Hon. Guyton McLendon, and his chief clerk, Mr. Harris; Miss Hinton, the reference librarian, and Miss Williams of the Carnegie Library; Miss Ruth Blair, historian in charge of the archives of the state, and her assistant, Miss Ham, have shown a helpful interest in the research work. Telamon Cuyler, Esq., of New York City, who has studied and written of Gwinnett for a number of years, has been generous in his assistance and interest. To many others who cheerfully answered any request for information, I wish to express my appreciation.

Throughout the following pages, I have tried to adhere to the facts. It has been necessary in far too many cases to use such expressions as "it would appear" or "it is probable" or "it seems likely." This has been done only when the deduction was reasonably sure but the authority or the direct information not actually available.

Every possible source of information has been raked over with care. It would be fatuous to say that the completed work is the best that could be made from the available material, or that no important source has been overlooked. Some day, somewhere, the family letters or journals or records of Gwinnett may be found, when some later writer, say in 1976, will be able to produce a real biography, worthy of the times and of the man. I can only hope that what has been gathered here may prove to be the reliable foundation on which to build a more perfect work.

CHARLES FRANCIS JENKINS.

PHILADELPHIA, *January 1, 1926.*

BUTTON GWINNETT

BUTTON GWINNETT

Signer of the Declaration of Independence

CHAPTER I

BUTTON GWINNETT'S NAME

THERE are a number of unusual names among the men who signed the Declaration of Independence. Carter Braxton, Cæsar Rodney, Elbridge Gerry, Charles Carroll of Carrollton, and Lyman Hall are all out of the ordinary, but undoubtedly the one outstanding departure from the commonplace is the name of Button Gwinnett. The writer of a brochure on Gwinnett has gone so far as to "doubt even the authenticity of his name, with the surmise that both Button and Gwinnett were cognomens deliberately assumed for a purpose unknown to us."¹ Fortunately, the facts are available and, as will be seen, his name is a perfectly proper one, derived from distinguished families in Glamorganshire and in Gloucestershire, the place of his birth.

My first interest in Button Gwinnett arose from the similarity of his name with that of the township Gwynedd, in Montgomery County, Pa., the birthplace and home of my father and his forebears. This interest deepened when it was discovered that both names came from the same source.

The township was settled in 1699 by a body of Welshmen from North Wales. They brought along with their

¹"Button Gwinnett, Man of Mystery," by William Montgomery Clemens, 1921, p. 5.

carefully cherished pedigrees, their love of music, and their Cymric speech, the poetic name of their native hills, which they gave to the rolling woodlands, the springs from which feed the headwaters of the famous Wissahickon stream and its tributary the Treweryn.¹

George Gwynnedd, alias Gwyneth, the first of this name in Gloucestershire, fleeing from religious persecution in the time of Mary, came from North Wales, as did these early Pennsylvania settlers.

Gwynedd covered the northern third of modern Wales, and many of the most prominent and able of the Welsh chieftains from the Sixth to the Thirteenth Century are known as princes, or so-called kings, of Gwynedd. Even before the year 600, British chiefs ruled over a Gwynedd that extended on up into the lake and mountain region of Northwest England. Mælgwn Gwynedd was a famous warrior in the chronicles of the Sixth Century. Owain Gwynedd was long a favourite subject for the Welsh bards, and his son Madoc, according to Welsh authority, crossed the Atlantic three hundred years before Columbus. Gwynedd, that fair land of which Snowden is the towering overlord, was the inspiration of countless minstrels.

Gwynedd! for princes gen'rous famed—and songs,
By Gruffydd's son unshamed
Thou art; he, hawk untamed,
Is praised where'er thy glory is proclaimed.

All through Welsh history the name appears again and again.

Gwyn-edd means the White Land, and doubtless meant pure, the untaken, the beautiful, the virgin, although it

¹Gwynedd township is almost directly north of Philadelphia and about eighteen miles distant. See "Historical Collections Relating to Gwynedd," by Howard M. Jenkins, particularly the chapter, "The Origin of the Township's Name." Also, "The Name Gwynedd in Welsh History," by the same author in the *Pennsylvania Magazine*, Vol. VII, No. 1 (1883), p. 35.

has been suggested that the snows which crowned Snowden and the mountains about might be the reason for the name. The ending "edd" is pronounced "eth" as in Beth, although the modern English pronunciation of the Pennsylvania township's ending is "ed." The family name Gwinnett is pronounced Gwin-nett'.

The first George Gwynnedd's son, Richard, changed the form of his name to "Gwynett"; his son George, in turn, made a further modification to "Gwinnett," the name as it has existed since. It was a numerous family, classed among the landed gentry, with the name quite common in the late Seventeenth and early Eighteenth centuries in its habitat in Gloucestershire and the near-by counties.

In connection with the name Gwinnett is a fanciful tale that the family, returning to England after the Revolution, and desiring to escape the contumely necessarily attached to a name associated with the signing of the Declaration of Independence, dropped the letter "G" and became "Winnetts." No basis whatever exists for the story. A gentleman of this name recently made application for membership in the Sons of the Revolution, basing his claims on this hypothesis and on the distinguished services of Button Gwinnett.

So much for Button Gwinnett's patronymic.

Numbered among the relatives of Button Gwinnett's mother was Barbara Button, fifth in descent from Sir Thomas Button, a famous admiral and Arctic explorer. The latter's home was in Glamorganshire, South Wales, not many miles from where the first Button was seated in Gloucestershire in the parish of Bitton or Button,¹ in the time of the second Henry.

¹Bitton is a parish in the Upper Division of the Hundred of Langley and Swinhead, County Gloucester, about six and one-fourth miles east-southeast of the town of Bristol. Lewis's "Topographical Dictionary of Wales."

Besides the admiral, there were other distinguished men of the family name. William Button, Bishop of Bath and Wells, was an important dignitary of the Church, an emissary from Henry the Third to the Court of Castile, to ask for the hand of Elinor for Edward. His cathedral, damaged by a great earthquake in 1247, was many years rebuilding. He travelled to Rome, quarrelled violently with his chapter and his subordinates, and died in 1264. His nephew, William Button, was a successor in the bishopric, a much more venerated man, whose spiritual ministrations were unusually effective in cases of toothache, a belief which lingered among Somerset folks down to the Seventeenth Century. Another nephew of the first William, Thomas Button, was Bishop of Exeter, and numerous others of the name held important ecclesiastical positions. Of a much later period was Sir William Button, a staunch Royalist, who was despoiled by the Cromwellians. All of these were descended from the family founded by Adam Damenevil, who held Bitton "by one knight's fee," and whose descendants took the surname Button.

Sir Thomas Button, the admiral, perhaps looms largest in English history and ranks as one of Glamorganshire's most famous men.¹ He entered the naval service in 1589 and died in 1634. He seems to have been a testy official and in hot water with the Naval Board and Admiralty on numerous occasions. As captain of the *Resolution*, accompanied by the *Discovery*, he had been sent out by the King and Prince Henry in 1612 to find the northwest passage, and also to rescue, if possible, the great explorer Henry Hudson. The latter, his son, and officers, had been bound, placed in a boat, and cast adrift on the waters

¹"Glamorgan Worthies—Sir Robert Mansel, Kt., and Sir Thomas Button, Kt.," by George T. Clark, Dowlais, 1883.

of the great bay which bears Hudson's name, in the spring of 1611, by a wicked and mutinous crew. They undoubtedly perished, and no trace of them was ever found. Button wintered in a sheltered cove on the west shore near what is now Fort Churchill, and this indentation is still called Button Bay.¹ He named the Nelson River for his sailing master, who died there, christened the adjoining land New North Wales and New South Wales, and though it met grave dangers and trials, his expedition returned safely to England, where he was made an admiral for his services.

Barbara Button, fifth in descent from Admiral Sir Thomas Button, inherited the manor of Cottrell, in Glamorganshire, from her parents. She never married. She possessed considerable means, and was able to do much for her cousin, the mother of Button Gwinnett. Her family name was bestowed upon Button, and she became his godmother, and on her death she left him £100. She also willed Cottrell to her first cousin, Emilia Button, who, almost immediately on inheriting the property, married Rev. Samuel Gwinnett, Button's eldest brother.

Although Button Gwinnett's family had been English for six generations, his home in England had been on the border of Wales. Members of his immediate family had returned to the land of his fathers, and no one can estimate how much of his adventurous spirit, his love of freedom, and his opposition to constituted government may have been in his blood and inherited from those Cymric ancestors who dwelt among the wild fastnesses and rugged hills of the land of Gwynedd.

¹An easily accessible and nearly contemporaneous map will be found in Winsor's "Narrative and Critical History," Vol. VIII, p. 3, in which the whole of Hudson Bay is labelled Button Bay. The "Dictionary of National Biography" devotes considerable space to the Buttons.

This Welsh blood and connection was recognized by his compatriots in the colonies. Thomas Jones, whose Cymric strain cannot be doubted, refers in a letter of August 17, 1776,¹ to "Mr. Gwinet, a countryman of ours from Gloucestershire."

As a family name, Gwinnett has practically disappeared, both in this country and in England. A search of the directories of Gloucestershire and Glamorganshire fails to uncover a single person named either Button or Gwinnett. A careful investigator did succeed in finding one of the name in one of the Midland counties of England, and there is one Englishman named Gwinnett in New York City, who traditionally traces his descent from one of the branches of this family. In Savannah, Augusta, and perhaps other Georgia towns, as well as in Brooklyn, N. Y., there are Gwinnett streets. In honour of the signer, Gwinnett's name was given, in 1818, to a county in Central Georgia, the county seat of which is Lawrenceville, the only example of its use as a place name in the United States. Appropriately enough, the adjoining counties are named Walton and Hall, after Gwinnett's fellow delegates to the Continental Congress, and with him signers of the Declaration of Independence from the state of Georgia.

¹To James Iredell, quoted in Hazelton's "Declaration of Independence," p. 216.

CHAPTER II

THE GWINNETT ANCESTRY

BUTTON GWINNETT was the son of Rev. Samuel Gwinnett, vicar of the Church of St. Mary and Corpus Christi, in the little rural village of Down Hatherley, Gloucestershire. The town lies a mile to the west and off the main road which connects the city of Gloucester with the town of Cheltenham. The Gwinnetts had been settled in this region for six generations and in their heyday were a numerous and important family. By reason of the persecution under Queen Mary, George Gwynnedd, gentleman and of an ancient family, fled from North Wales and settled at "Great Shurneton alias Shurdington" in the parish of Badgeworth, a little hamlet three miles southwest of Cheltenham. He lived here to a great age, passing away December 5, 1604, and was buried at the Church of St. Mary, Badgeworth, under a "fair altar tomb." His wife, Eleanor, followed him four years later and was placed beside him.

The only surviving son of George and Eleanor Gwynnedd was Richard, who modified his name to Gwynnett and also Gwyneth, and who had been born in the time of Elizabeth. Richard Gwynnett married Mary Estcourt, the daughter of Richard Estcourt of an old Gloucestershire family. Richard Gwynnett lived at "Crippetts," an old farmhouse about a mile from the village of Shurdington, standing high on the Cotswold Hills and overlooking the valley of the Severn. The old house has been re-

modelled,¹ but part of the original buildings remain. He described himself as "Yoeman" but he prospered greatly and added to his estates by purchasing the Manor of Badgeworth from Sir John Kennedy. He also owned lands in "Lilland, Badgeworth, Great Badgeworth, Downe-hatherley, Bentham and Circkley,"² as well as a mesuage in Great Shurdington, which was the home of his second son, Richard. He died in 1615 and was interred with his father, while his widow survived him until 1638. It was his son who presented the sundial, which still stands on the walls of Shurdington Church, with the inscription "16 Rich. Gwynneth 55."

The eldest son of Richard was another George, named for his grandfather. He was baptized in 1598 and married Elizabeth, the third daughter of William Laurence, Esq., of Little Shurdington, a family tracing its descent from Sir Robert Laurence, whose seat was Ashton Hall in Lancashire in the latter part of the Twelfth Century. George Gwynett, as the eldest son, inherited Crippetts, the manor of Badgeworth, and numerous other properties from his father, Richard. He greatly increased his landed holdings.³ He is described as "gentleman" and was a member of the "Committee of Safety" in the City of Gloucester during the troublous times of the Civil War.⁴ This George Gwynett died January 30, 1662, and he too was placed by the "fair altar tomb" of his father and grandfather. He and his wife were the parents of a large

¹Dr. Edward A. Wilson, who lost his life in 1912 on the expedition to the South Pole with Captain Robert F. Scott, lived at Crippetts. His portrait is the frontispiece of Vol. II of "Scott's Last Expedition." Crippetts is now the home of Colonel Morse.

²Inquisition A. D. October 2, 1916, in the Public Record Office, London.

³A list of the Gwynett holdings at this time would fill several foolscap pages. Some of the names are interesting: Covey Green, Kirby's Close, Stoutwell Hay, Crippett's Mead, Elmways, Lower Broad, Lower Cow Leasows, Lythland, Breville, etc., etc. The complete list will be found in a deed dated 1717, now in the possession of G. Hilder Libbis, Esq., of Rayleigh, Essex, England.

⁴Records of the Corporation of Gloucester, Twelfth Report, p. 498.



The Shurdington Church

With the Sun Dial on the wall presented by Richard Gwinneth, 1655.

family, four sons and seven daughters. Their eldest son, Richard, matriculated at Balliol College, Oxford, when he was fifteen years of age. The second son was still another George Gwinnett—for, by this time, this spelling of the name had become reasonably well fixed—who was baptized November 1, 1624, and married Elizabeth, the daughter of Thomas Randle of Little Shurdington. These were the great-grandparents of Button Gwinnett. Their home was at Urrist in the parish of Badgeworth, still in the immediate neighbourhood of the homes of their forebears. They, too, were the parents of a large family of nine children, of whom the only son who survived and married was again a George Gwinnett. George had become a favourite family name, and by 1714, there were as many as five George Gwinnetts living at the same time in Gloucestershire.

By the time of the fourth generation, the older sons were being sent to the universities, and several of them became clergymen; the younger sons went into trade, and some became merchants in Bristol and London. The most distinguished of the students, and the only Gwinnett to have his name included in England's greatest biographical dictionary, was a certain Richard Gwinnett, born in 1675. He was a student at Christ Church College, Oxford, remaining there seven years, when he went to London and secured rooms in the Temple, although in no way connected with the law. Here he followed the career of a literary dilettante and became engaged to an Elizabeth Thomas, a would-be poetess who had succeeded in attracting the attention of John Dryden, who wrote some poems addressed to her in which he called her Corinna, after the Theban poetess. Owing to Gwinnett's consumptive tendencies, the marriage was postponed, and he returned to his father's home in Gloucestershire. During the next sixteen years,

much correspondence passed between the lovers, he assuming the name Pylades and she writing as Corinna. Richard Gwinnett, on the death of his father in 1716, proceeded to London and pressed his suit, but the illness of Miss Thomas's mother prevented the marriage at that time, and the following year Gwinnett died. He was the author of a play, "The Country Squire or a Christmas Gambol," and in 1731, after Corinna's death, a two-volume book appeared with the title "Pylades and Corinna, or Memoirs of the Lives, Amours and Writings of R. G. and Mrs. E. Thomas, Jr." Gwinnett bequeathed £600 to the lady, but she lived beyond her resources, was thrown into Fleet prison for debt in 1730, was released shortly through the efforts of a friend, and died soon after.

George Gwinnett, of the fifth generation, described as of Urrist and Coombe End, married Elizabeth Coxe. They were the parents of three sons, the youngest of whom was Samuel, who became the father of Button Gwinnett. In May of 1726, Samuel Gwinnett, who by that time had secured the degree of A. M. from the University of Glasgow, was offered the curacy of St. Giles' Church, at Uley, a little hamlet in Gloucestershire, when he should have been ordained and legally qualified.¹ It is not known that he accepted the appointment, but on September 26, 1727, he signed his bond on presentation to him of the living at Down Hatherley, only a few miles from his father's home. The church was an old one, having been built about 1535. By 1860, being almost past repair, it was taken down and rebuilt with the exception of the tower, which was not disturbed, and is therefore the only part now standing which was there in Samuel Gwinnett's time. The previous vicar at Down Hatherley had been Thomas

¹Letter from Edward Loggin Griffin, Rector of Uley to "The Right Reverend, Father in God, Joseph, Lord Bishop of Gloucester," in the Library at Gloucester.

Pugh, whose records in the registers were all in Latin, and who had died in the summer of 1727. Toward the end of that year, after Samuel Gwinnett's induction or "reading in," the records are written in English with each page signed, usually at the foot, "Sam. Gwinnett, Vicar."

The "big house" of this little village is Hatherley Court, the home in more modern times of Sir Matthew Wood, two times Lord Mayor of London and many times Member of Parliament. His son, the Right Hon. Sir William Page Wood, was a learned and eminent lawyer whom Gladstone made Lord Chancellor. He was created a peer in 1868, and took his title from his native village as Baron Hatherley of Down Hatherley. George Gwinnett, the eldest brother of Rev. Samuel Gwinnett, was "Lord of the Manor" in 1768, and is described as having a good house and keeping a court leet.¹

On April 25, 1728, Samuel Gwinnett received the degree of LL.B. from the University of Cambridge in Comitia Regia, a gathering of the senate of the university, at which royalty was present and degrees specially conferred. The King came over from New Market, and degrees were given to a long list of distinguished men. They included the Dukes of Grafton, New Castle, Manchester; the Earls of Cardigan, Scarborough, Essex, Cholmondeley, Grantham, and Darnley; Lords Finch and Clinton, Count Nassau, and Sir Robert Walpole. Samuel Gwinnett's name appeared on the register with the 285 others, but in signing, he returned to the old spelling and wrote it with a "y"—Gwynnett.

Having obtained his collegiate degree and secured a living, Samuel Gwinnett procured a special license from the Archbishop's Faculty Office, in London, dated April 11,

¹Atkins's "Gloucestershire," p. 124.

1727, to marry Anne Emes.¹ She was probably the widow² of Fulke Emes, Esq. of Twyning, a little town in Gloucester not far from Tewksbury. Anne Emes was closely related to the Prices of Wistaston Court in Herefordshire.

The young vicar brought his bride to the vicarage, which was practically contiguous to the church, and here they lived for more than forty years. The old vicarage is no longer standing, having been replaced some years ago by a modern home. In 1735, Samuel Gwinnett secured the additional incumbency of St. Nicholas' Church in the city of Gloucester, and held both livings jointly until his death, when Rev. Martin Barry succeeded to both charges. The distance separating the two churches is between three and four miles. The holding of two benefices, or pluralism, was not uncommon at that time. Mr. Gwinnett always called himself the vicar of Down Hatherley, but minister of St. Nicholas. Each page of the register of St. Nicholas is signed, as in the case of the register at Down Hatherley, "Sam. Gwinnett, Min^r," but sometimes he wrote "minister" in full.

St. Nicholas' Church, in Gloucester, is an extremely interesting one historically, supposed to have been built by King John, who was Earl of Gloucester before he ascended the throne. This conjecture was founded upon the circumstance of a mural coronet appearing on the spire which surmounts the square tower. The church has some unusual architectural features, which have defied wars, sieges, floods,³ and fires for more than six centuries. The earliest work is late Norman. It was in part rebuilt in the

¹December 30, 1728, "Samuel Gwinnett de Down Hatherley et Annæ Emms de Twinning."

²The Visitation of Gloucestershire says she was the daughter of Fulke Emes.



The Church of St. Mary and Corpus Christi

Down Hatherley, Gloucestershire, of which the Rev. Samuel Gwinnett was vicar for fifty years, 1727-1777.

Thirteenth Century. Of particular note is its Norman doorway with a bronze "closing ring," or sanctuary knocker, one of three or four similar relics of mediæval times in England. Here a fleeing criminal, if he could get his arm through the ring, was safe for a time, until resentments had an opportunity to cool or a composition be reached. It was not until 1624 that sanctuary for crime was abolished in England. Among the many memorials in the church are the monumental effigies of John and Anne Walton, an early alderman and sheriff of Gloucester, he in his civic robes and his wife wearing a Welsh hat, a reminder that Gloucestershire lies on the border of Wales. The registers contain much that is of interest to the student. There is an interesting marginal note in the marriage register of 1750 in Gwinnett's hand, indicating trouble between the vicar and his church wardens:

N. B. The clerk was obliged to open the door next to the Churchyard, the Church wardens having insolently put a lock on the front door to Bar my entrance into the Church. A key has been since sent me.

Beginning about 1760, the entries in the register have been made by another hand, and after this date, the work of the church seems to have been left to curates.

Samuel and Anne Gwinnett were the parents of at least seven children, although there may have been others:

Anna Maria. Baptized March 11, 1731, in the church of St. Mary de Lode, Gloucester. She died as a young girl and was buried in the church of St. Nicholas at Cottrell in Glamorganshire.

Samuel. Baptized June 6, 1732, in the church of St. Mary de Lode, Gloucester.

Gwinnett of Shurdington, Badgeworth and Wormington



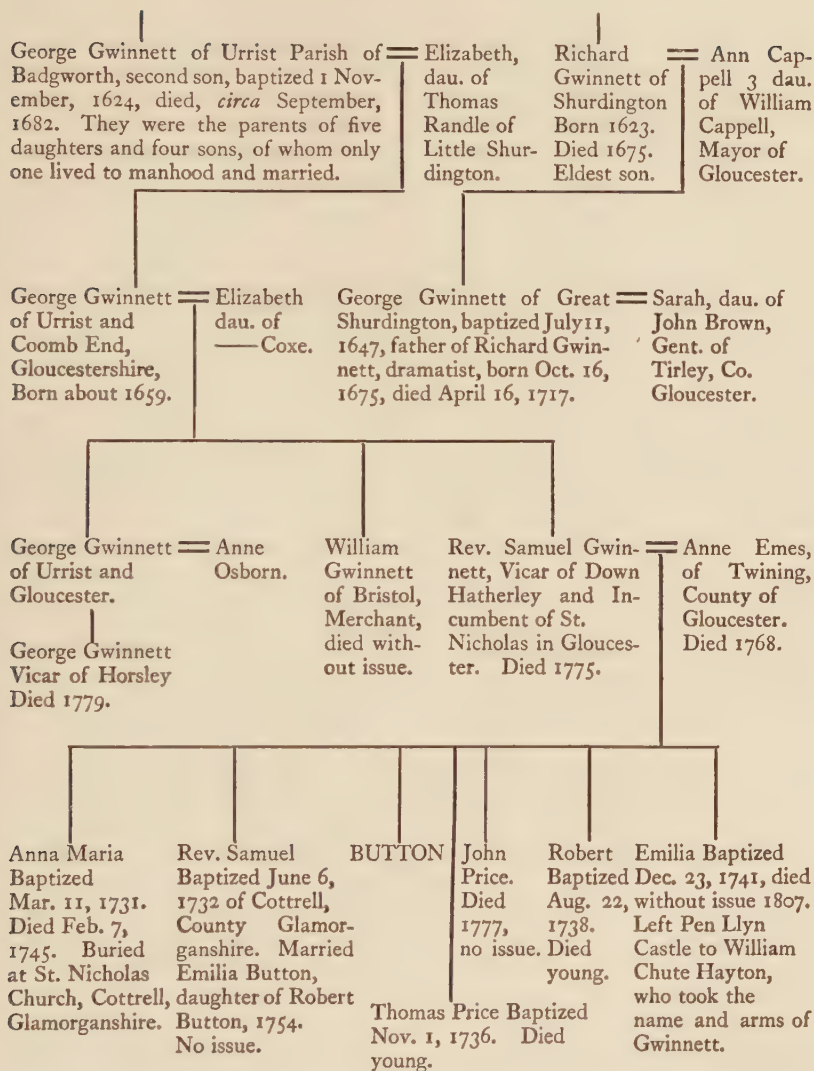
Arms—Azure a chevron between three spear-heads erect Argent embued at the points proper.

Crest—A horse's head couped Sable, in the mouth a broken spear handle proper head Argent embued Gules.

George Gwynnedd alias Gwyneth, Gent., born in Carnarvonshire, Wales. Settled in the county of Gloucester, where he died 5 Dec., 1604.	= Eleanor, his wife, died 3 Jan., 1608, and is interred with her husband.
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Richard Gwynnett alias Gwyneth, born temp. Eliz., died 18 Feb., 1615.	= Mary, dau. of Richard Estcourt. Buried at Badgeworth 15 Oct., 1638.
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George Gwinnett of Shurdington, eldest son, bap. 29 Jan. 1598, died 30 Jan., 1662. George and Elizabeth Gwinnett were the parents of eleven children, seven daughters and four sons, of whom:	= Elizabeth, 3d dau. William Laurence of Little Shurdington, Esq., survived her husband, and died <i>circa</i> 1670.
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The above pedigree is derived from the "Visitations of the County of Gloucester," begun by Thomas May, *Chester* and Gregory King, *Rouge Dragon*, 1682, with additions by T. Fitz-Roy Fenwick, M. A., and Walter C. Metcalfe, F. S. A., Exeter, 1884.

BUTTON. Baptized April 10, 1735, in St. Catharine's Church, Gloucester.¹

Thomas Price. Baptized November 1, 1736, in St. Catharine's Church, Gloucester. He apparently died young.

Robert. Baptized August 22, 1738, in the church of St. Nicholas, Gloucestershire, and died young.

Emilia. Baptized December 23, 1741, in the church of St. Nicholas, Gloucestershire.

John Price. The date of his birth is not known. He died 1777.

Anne Gwinnett, the mother, was buried at Down Hatherley. On the register, in her husband's handwriting, is the record: "Aug. 16, 1767, Ann, the wife of Mr. Samuel Gwinnett, Vicar of this Parish." A few years later, her husband was laid beside her and some other hand has transcribed: "Aug. 13, 1777 (in large characters) Samuel Gwinnett, llb L. L. B., late Vicar of this Parish was buried." The small letters replaced by the large ones in the title show the second thought of the scribe and the wish that the honours of the departed should be properly noted.

¹The entry of Button Gwinnett's birth in the Parish Registry of St. Catharine's is the first in a volume which covers the years 1735-40. It was made by "D. Bond," who was curate of the church and also vicar of Norton, which parish adjoined Down Hatherley.

CHAPTER III

THE BUTTONS AND GWINNETTS

THE family annals of the branch of the Gwinnett family in which we are interested are closely interwoven with those of the Buttons of Glamorganshire. It has already been shown from what source Button Gwinnett derived his surname. His mother, Anne Emes, was connected with the Price family of Wistaston Court in Herefordshire, a seat a few miles north of the town of Hereford. Thomas Price of Wistaston had two daughters and co-heiresses, who married brothers. Emilia Price married Robert Button and had a daughter and heiress, Emilia. Diana Price married Thomas Button and they, too, had a daughter and heiress, Barbara. The latter inherited from her father Cottrell, an old estate near Cowbridge, Glamorganshire, this having been their home. She never married, but became the friend and active patron of the none too well-to-do vicar's family at Down Hatherley in Gloucestershire. She acted as god-mother to Button when he was baptized.

The oldest daughter in the Gwinnett family, Anna Maria, died¹ while living with or visiting her cousin at Cottrell. Barbara Button gave to St. Nicholas' Church the silver communion plate, which is engraved with her name. She died² in 1755, leaving numerous legacies to her relations, particularly to the members of the Samuel

¹"Here lieth the body of Anna Maria Gwinnett, who departed this life 7 February, 1745, aged 14 years." Inscription in St. Nicholas' Church, Cottrell.

²Barbara Button of Cottrell died, single, February 20, 1755. Register of St. Nicholas' Church, Cottrell. She was sixty years of age.

Gwinnett family at Down Hatherley, including £100 to her godson Button Gwinnett. The Cottrell estate was bequeathed to her double first cousin Emilia Button. Samuel Gwinnett, Jr., Button's brother, matriculated at Oriel, Oxford, in 1750, at the age of eighteen. He became curate at St. Nicholas, and a few months after Barbara Button's death married his cousin Emilia Button. On the death of his wife, in 1785, he in turn inherited Cottrell and continued to live there until his death, in 1792, which was deemed of sufficient importance to receive mention in the *Gentleman's Magazine* of London.

Cottrell is an old and interesting mansion standing in a beautiful park on the north side of the highroad leading from Cardiff westward through South Wales. After its occupancy by the Gwinnetts, it passed into the possession of the Tyler family, and Admiral Sir Charles Tyler added to it years ago for his son, who was then a governor in the West Indies. The present owner has added to it considerably. It is an interesting coincidence that the home of the Gwinnetts for more than half a century should now be owned and occupied by the head of the Clan Chattan, Alfred Donald The Mackintosh of Mackintosh, a name which is so intimately associated with Button Gwinnett in America.

Some seven miles west of Cottrell, beyond the village of Cowbridge and on a hill overlooking the road and valleys, there stood for several centuries a rugged pile, Penllyn Castle. The builder of the castle and the time of its erection are both unknown, but the construction of its walls indicated a very early origin, and from its commanding position it must have been a post of importance. At one time, it belonged to the Turberville family, and in 1780 it was the property and home for a portion of the year of Lady Louisa Vernon, who, on her death, early in

1786, bequeathed the castle estate to Miss Emilia Gwinnett, the sister of Button Gwinnett.

After the breaking up of the home at Down Hatherley, Miss Gwinnett was probably a member of the household at Cottrell, and possibly, in this way, a friendship between the two ladies developed, or she may have been a companion for Lady Vernon, who was beset with domestic difficulties, being at odds with her husband, the Hon. George Venables Vernon. It was Miss Gwinnett's friendly sympathy and attention to her in all her troubles which caused Lady Vernon to will the estate to Miss Emilia Gwinnett and the latter's heirs. Miss Gwinnett was particularly directed to look after all Lady Vernon's dogs, and she was requested to build herself an addition to the castle where she might comfortably live "mostly in the summer."¹

The only memorial of Miss Gwinnett remaining to-day is several masses of solid masonry at the foot of the hill on which Penllyn Castle stands. These are portions of the old fabric which Miss Gwinnett destroyed when she built her more modern and, no doubt, more comfortable home. Lady Vernon left her Sussex estate, Newick, to another friend, who was directed never to let or otherwise dispose of it, in order that Lady Vernon's favourite mare and a little horse might run in the park as long as they should live. A mysterious box which Lady Vernon kept under her bed was to be opened and examined by Miss Gwinnett alone.

There is a tradition in the Button family that Miss Emilia Gwinnett destroyed, by burning, the will of her brother Samuel, at Cottrell, on his death in 1792, and that she also destroyed the manor book which contained the

¹The Penllyn estate now consists of about two thousand acres surrounding the castle, and is in the possession of Captain John Glynn Richards Homfray. I am indebted to Captain Homfray's brother, H. R. Homfray, Esq., the manager of the estate, for this information.

chronicles and records of the estate. For this wicked deed, her spirit is said to haunt the room in which the will was burned. Whether it was through this act or not, she inherited the Cottrell estate from her brother.

Miss Emilia Gwinnett survived all her brothers and sisters. On her death, she requested to be buried as near Lady Louisa Vernon as may be. Her estates, Penllyn Castle, Cottrell, in Glamorganshire, and other lands in Gloucestershire, she left to the Earl of Clarendon for life, then to his younger brother, and then to a cousin, William Chute Hayton of Wistaston Court, Herefordshire. The castle garden and pleasure ground at Penllyn were to be kept up in good order and the owner was to live there at least six months in the year. All furniture, plate, linen, musical instruments, china, pictures, books, and jewels were to remain at Penllyn as heirlooms. Twenty pounds was given to Jane Lewis to take care of the birds and dogs, the latter to be permitted to run over the castle grounds without hindrance. The silver-headed cane which Admiral Sir Thomas Button captured at the time of the Spanish Armada was given away, while the little horse called Squirrel was to be taken care of at Penllyn Castle without doing any manner of work. Miss Gwinnett was buried in the churchyard at Newick in Sussex, on September 30, 1807, aged seventy. She was the last of her particular family, and almost the last of the name. The estates passed under her will eventually to her relative William Chute Hayton, who, in 1840, assumed the name and arms of Gwinnett.

John Price Gwinnett, the younger brother of Button Gwinnett, became a lieutenant in the British Army and a captain in the service of the East India Company stationed at Bengal, India. He died, without issue, in 1777, the same year that his brother Button passed away.

CHAPTER IV

MARRIAGE AND EARLY DAYS IN GEORGIA

TRADITION has made Gwinnett begin his business career as a merchant in Bristol, England. This would be a likely assumption, as William Gwinnett, the older brother of Rev. Samuel Gwinnett, is described as a merchant of that city, and it would be reasonable to suppose that the nephew learned the principles of trading and finance with him. On April 19, 1757, Button Gwinnett married, in the ancient Collegiate Church at Wolverhampton, in Staffordshire, Ann Bourne, the daughter of Aaron and Sarah Bourne¹ of that city. Aaron Bourne was a grocer by trade, and his son-in-law entered into business with him, which partnership continued for an unknown period. The connection was later dissolved, and Aaron Bourne continued the business alone with the aid of an efficient servant, "Davy" Jones, who seems to have been the cause of discord in the family and whose growing importance may have been the reason for the severed partnership.

Three daughters were born to Button and Ann Gwinnett, and recorded in the registry of the Collegiate Church, as follows:

Amelia, baptized February 27, 1758.

Ann, baptized May 14, 1759.

Elizabeth Ann, baptized January 4, 1762.

¹Aaron Bourne and Sarah Salt of Breewood, were married October 29, 1732. Ann Bourne, their daughter, was baptized April 19, 1735. Register of Collegiate Church, Wolverhampton.

The two former died young, leaving the third daughter, whose name was shortened to Elizabeth, the only one to reach maturity.

In 1759, and while still connected with Wolverhampton, Gwinnett engaged in the exporting business and possibly sailed as supercargo on some of his trading ventures.

Among the dusty records in the Secretary of State's office in Atlanta are several transcripts of accounts of creditors who were pushing Gwinnett for payment of goods he had bought from them and exported. These disclose his dealings with Thomas and Ferdinand Pennington, of Bristol, and the firm of Bently & Boardman at Liverpool. From both of these houses Gwinnett purchased goods which were sold abroad on his account, either by consignment or under his own supervision. With Bently & Boardman he had a one fourth interest in the cargo of the brig *Nancy*, which sailed to Pensacola, and in which venture Edward Mease, a merchant of that city, was also a partner. In April of 1761, Gwinnett shipped goods to Philadelphia on the *Polly*, Captain James Carr, to the amount of £78. A little later in the same year, he was interested in part of a cargo in the *New Grace*, Alexander Kew, master, which cleared for New York. In August of the same year the *Bristol Packet*, Captain John March, outward bound for Philadelphia, carried some of Gwinnett's goods. In March of 1762, he owned a large part of the cargo in the *Garland*, Captain Vincent Ashfried, for New York. At one time, he was the sole owner of the brig *Nancy*, but she was later seized under an attachment by the Penningtons in Bristol harbour and sold by the sheriff to help liquidate Gwinnett's indebtedness to them. Other firms, whose relations with him are disclosed through their efforts to collect money due them, were Shepperd, Lang-

Just imported,

To be sold on the most reasonable terms, by
BUTTON GWINNETT,
At the store lately occupied by Messrs. Johnson and Wylly,
THE FOLLOWING GOODS, viz.

RHUBARB,—Turlington's balsam of life,—Dr. James's
powders for fevers,—flake manna,—glauber salts,—
Florence oil,—mustard,—tin ware,—ironmongery,—plain,
silver, and gold laced hats,—breeches pieces,—silk and
thread hose,—jewelery,—pickles,—cutlery,—saddlery,—
earthen and de. ft ware,—mould candles,—fine beer,—glasses,
—shoes,—sheeting,—canvass,—oznaburgs,—Irish linens,—
cheques,—paint,—cheese,—butter,—nails,—cyder,—Scots
barley,—English manufactured tobacco,—vinegar,—bed
furniture,—and many other articles too tedious to insert.

*From the Georgia Gazette,
September 26, 1765.*

ALL persons whatever are hereby prohibited from hunting and shooting
upon the Island of Saint Catherine's, or carelessly landing upon the
same, or fishing on the shore or beach, or in any of the creeks thereunto
belonging, as such trespassers, when known, will be prosecuted without
distinction to the utmost rigour of the law. **AND WHEREAS** loose and
disorderly people have frequently killed and carried off from the said
island hogs and cattle, to the great loss of the subscriber, to prevent such
practices for the future, I do hereby offer a reward of twenty pounds ster-
ling to any person or persons who shall discover any person who has been
or may hereafter be guilty thereof, to be paid upon conviction of the of-
fender; and if any person, who may have been concerned, or hereafter
may be concerned, in such practices, will discover and give evidence a-
gainst his accomplice or accomplices, such person shall be entitled to and
receive the same reward from
BUTTON GWINNETT.

*From the Georgia Gazette,
September 3, 1766.*

Clippings from the Georgia Gazette

ton & Bailey of Liverpool and Durand & Phillips of the island of St. Croix in the West Indies. These various transactions disclose that he was carrying on extensive, if not profitable, mercantile operations of considerable magnitude for the time.

No evidence can be found to substantiate the oft-repeated statement that Button Gwinnett located in Charleston, S. C., before settling in Georgia, nor is the exact date of his coming to Savannah determined. In 1765, he had secured the store property formerly occupied by Johnson & Wylly in Savannah, and proceeded to get customers in quite the modern way, by advertising. His announcement appeared in the *Georgia Gazette* of October 7, 1765, and stated that his goods had just been imported and would be sold on the most reasonable terms. His stock consisted of the wide range of commodities to be found on the shelves of a general country store of the day. His goods were offered with no attempt at classification: Rhubarb, Turlington's Balsam of Life, Doctor James' powders for fever, flake manna, Glauber's salts, Florence oil, mustard, tinware, ironmongery, plain, silver, and gold laced hats, breeches pieces, silk and thread hose, jewelry, pickles, cutlery, saddlery, earthen and delft ware, mould candles, fine beer, glass, shoes, sheeting, canvas, oznaburgs, Irish linens, checks, paint, cheese, butter, nails, cider, Scots barley, English manufactured tobacco, vinegar, bed furniture, and "many other articles too tedious to insert." This assortment of merchandise would do credit to a present-day department store and represented the necessities and some of the luxuries of a frontier community.

The only scrap of bookkeeping which has been found for this mercantile venture is a bill of the period:

WILLIAM GIBBONS

1765

		Dr. to BUTTON GWINNETT.
To 1 Bowl	2	
1 Coffee Pot . . .	4	
1 Crate Hollow ware	1	
		£1 6.0

Received October 4, 1768 the contents in full.

BUTTON GWINNETT.¹

Georgia, in the decade of the 1760's, offered great opportunities to an enterprising merchant with the necessary capital and experience. The trials and hardships of the pioneer days were over, the unique and fanciful experiments in government had been put aside. The Treaty of Paris, signed February 10, 1763, had removed the menace of the Spaniards at St. Augustine and the French at Mobile. The boundaries of the province had been extended from the Altamaha River to the St. Mary's, and four new seacoast parishes erected. With peace throughout the colony and on the Indian frontier, immigrants pouring in, production from the native resources and plantations increasing, and commerce growing by leaps and bounds, it was the golden age in Georgia, as it was throughout all the sister colonies.

General James Oglethorpe had returned to England some ten years before. His warm humanity and deep vision had conceived the plan of a refuge for honest, but unfortunate, debtors, and his vigorous initiative and activity had successfully placed the colony on the banks of the Savannah River in the opening days of 1733. His close connection with Georgia as a resident and governor of the colony continued for ten years; his deep interest in its welfare continued until his death. As an elderly man,

¹Original in the Emmett Collection, No. 1567, New York Public Library.



A Map of Georgia

Showing the parishes and counties as Button Gwinnett knew them

he was of that group which gathered around Dr. Samuel Johnson, and as a member of it, his tales and reminiscences were known to Oliver Goldsmith. There are those in Georgia who believe "Sweet Auburn! loveliest village of the plain"¹ was made the deserted village through its inhabitants emigrating in a body to the banks of the Savannah, a suggestion perhaps borne out by the further reference in the stanzas of the famous poem to the torrid tracts, "Where wild Altama murmurs to their woe."

General Oglethorpe, who had served with rare devotion and without pay, was succeeded by other governors representing the "Trustees for Establishing the Colony of Georgia in America," until 1752, when this hard-working and devoted body surrendered its charter to the Crown, a year before it would have expired. There is no place in this narrative to more than mention the coming and going of the brothers John and Charles Wesley, before they had achieved fame as the founders of a new church, or the labours of Rev. George Whitfield, the great preacher and evangelist, in founding the first orphans' home in America; or the movements by which two of the cherished rules of the Trustees forbidding rum and slaves in the colony were opposed and finally broken down, as well as the gradual change in the tenure of land. At first, the little 50-acre holdings of the colonists could not be sold, but only descend in the male line; this was gradually modified until land could be held in fee simple, and tracts of 5,000 acres were offered to the officers and soldiers who had served in the army, after the Treaty of Paris. The failure in introducing silk culture, the first planting of cotton, the development of indigo, the coming of the Highlanders, the

¹The "Deserted Village" has commonly been associated with Lissoy, County Westmeath, Ireland. It is not known that any of the Georgia immigrants came from that place.

governors, the Jews, and the Acadians are all interesting and picturesque incidents in Georgia history, quite apart from the interminable wars and fighting with the Spaniards in Florida and the powerful Indian tribes on the frontiers.

In 1760, James Wright of South Carolina had been made lieutenant governor, and to his abilities and energy a large share of the material progress of the decade is due. He had studied law in England, having been admitted to Gray's Inn in 1741.¹ He discovered the excellence of the lowlands and swamps along the many rivers for the growing of rice, and by careful cultivation and management, he not only acquired a large fortune for himself, but stimulated his neighbouring planters and brought prosperity to those who followed his example. Numerous enterprising planters had followed Governor Wright from South Carolina, which added to the prosperity of the colony.

The first wharf had poked its nose out into the muddy waters of the Savannah River in 1759, the first newspaper, the *Georgia Gazette*, had appeared from the crude hand press in 1763, and in the following year, the post office had been established. The river front was lined with shipping, the town of Sunbury had been founded and was thriving. In 1765, the year of Gwinnett's announcement in the *Gazette*, one ship, the *Friendship*, had cleared for London laden with rice, indigo, deer skins, beeswax, and slaves, all the products of the colony, to the value of £18,000 sterling. A competent observer has stated that, during the administration of Sir James Wright, for he had been knighted in 1772, the province made such progress in population,

¹James Wright was born about 1725. Was Attorney General and Chief Justice of South Carolina. Married in 1740. Created a baronet in 1772 and died in England in 1786. "Complete Baronetage," Vol. V, p. 163.

agriculture, and commerce as no other province had ever equaled in so short a time.

There was every reason why Gwinnett should have succeeded as a merchant, but a month after his own announcement had appeared in the *Gazette* he found another advertisement there offering the island of St. Catharines for lease for a term of years, together with the stock of cattle running on it, and the use of the timber. Particulars would be supplied by either the owner, Rev. Thomas Bosomworth, on the island, or Grey Elliot, Esq., whose home was in Sunbury. Negotiations were opened, and Gwinnett sold his mercantile venture in Savannah and became a planter on the sea island of St. Catharines.

Mrs. Gwinnett did not immediately accompany her husband in his settlement in the new land. In November of 1765, she was in England, for, on that date, the Penningtons of Bristol advanced her funds which were charged to her husband's account. The *Georgia Gazette* of January 14, 1767, contained the news that "on Thursday last there arrived in Savannah, after the quick passage of eight weeks, from the Downs, the brigantine *Diana*, Captain Cheeseman, and with him as passenger Miss Nancy Wright, daughter of his Excellency the Governor, and Mrs. Gwinnett, wife of Mr. Button Gwinnett." After remaining a year in Georgia, Mrs. Gwinnett returned to England in the *Polly and Betsy*, Captain Robert Brewton.¹

There is evidence that Gwinnett himself made a visit or visits to England, but exact information is lacking. Nor do we know the date when Mrs. Gwinnett returned to Georgia, except that it was before May of 1771.

¹*Georgia Gazette*, Savannah, January 20, 1768, p. 350.

CHAPTER V

ST. CATHARINES ISLAND

THE seacoast of Georgia is a continuous line of islands separated from the mainland by salt marshes, hummocks, winding waterways, and extensive bays, through which the waters of her rivers find the sea. These islands have been likened to a string of pearls hanging on the neck of a fair woman. Lying between the mouths of the Medway and Sapelo rivers is the island of St. Catharines, as large as any and characteristic of them all. Toward the ocean are sandy beaches on which, after tumbling over bars and shoals for several miles, the waves of the Atlantic throw themselves. The islands are comparatively high and covered with a noble growth of oak and pine, with a carpeting of the characteristic Southern evergreen flora. In the treaty which General James Oglethorpe made with the lower Creeks in 1739, three of these islands had been expressly reserved by the Indians as a place for hunting, fishing, and bathing, and St. Catharines, which was to become the plantation home of Button Gwinnett, was the middle one of these; the others were Ossabaw lying to the north, and Sapelo to the south.

For more than one hundred years St. Catharines Island had been the northern frontier of the Spanish possessions along the Atlantic seaboard. From an old chief on the island named Guale, the island was given this name, which was later applied to the entire Georgia coast from St. Helena to the St. John's River. In 1568, Jesuit mis-

sionaries were placed on St. Catharines, and here Brother Domingo translated the Catechism into the Yamassee Indian tongue and wrote a grammar as well, believed to be the first grammar written on American soil. This and other missions, which had early been turned over to the Franciscans, were to struggle for more than a century, until, in 1680, a party of three hundred Indians, headed by Englishmen from the newly settled town of Charleston, seized the island and drove the missions out.¹

Some twenty-five years before Oglethorpe's successful effort to plant a colony upon the Savannah River, Sir Robert Montgomerie had secured a grant of the territory between the Savannah and Altamaha rivers, and prepared a plan for its colonization, to which he had given the high-sounding name of the Margravate of Azilia. In one of the publications² outlining his schemes, which would do credit to any modern real-estate booklet, great emphasis was laid on the importance to the undertaking of the "Golden Islands," of which St. Catharines was one. The description of the islands written by Colonel John Barnwell, a South Carolinian,³ apparently well acquainted with them, gives an alluring picture of their beauties and advantages:

They have plenty of Harbors, are finely watered, abound with Plenty of wild Deer, Fish and Fowl; have high, healthy, fruitful Land and lie within a day's rowing of the English Habitations in

¹A new and welcome book, "The Debatable Land," by Herbert E. Bolton and Mary Ross, Berkeley, California, gives an exhaustive account of the operations of Spain in the southeast and particularly along the Georgia coast, preceding the coming of the English. St. Catharines figures largely in this narrative, and an illustration of the island is shown on p. 16.

²"Description of the Golden Islands with an Account of the Undertaking now on Foot for Making a Settlement there," London, 1720. See also Jones's "History of Georgia," Vol. I, p. 70.

³Colonel Barnwell was in England at the time, apparently assisting Sir Robert in securing settlers and was "generally once a day at the Carolina Coffee house in Birch-lane" where those interested might interview him.



The Old Tabby Plantation House

On St. Catharines Island. The photograph was taken March, 1925.

South Carolina: . . . They took the name of the Golden Islands from the Spaniards, who made many fruitful Expeditions into these parts of Florida in search of Gold, and Silver Mines, excited by a View of the prodigious Quantities which their Countrymen brought out of Peru about that time. . . . As to convenient pasture, pleasant situation, profitable fishing and fowling, they surpass anything of that kind in all Carolina. They have all a number of Sand-Hills, or Downs, on the Sea-Side and the way between these Sand-Hills and the Sea, is so plain and smooth it is a very great pleasure to travel upon it. Here and there run small creeks of the Sea replenished with a great Quantity of several sorts of Fish, which are easily taken, and great flocks of wild fowl. There are very good harbors among these Islands. They are almost clear of wood and by their Distance from the Continent, secured against Insult of the Indians. You may stock them with Cattle from the Main Land of Carolina, and then they have an inexhaustible Source of Provision, better than ten Times the Quantity of Land on the Main, the Stock being kept entire, secure from Beasts of Prey and without Possibility of Mixture.

The Golden Islands, being the most accessible and having a large part of their surface ready for the plough, were first to be sold and occupied. In furthering the settlement, a fort was first to be erected on "Santa Catarina" for the defense of the settlers, for while there was no probable appearance of danger, the promoters deemed it but prudent to be provided against it. The soldiers manning the forts were to be of a different mould from the usual garrison recruit, for "to *fight* is their extraordinary and to *work* their ordinary occupation." But the Margravate of Azilia, unable to bear up under the weight of such a name, or for other reasons, failed to materialize, and the grant reverted to its former owners. St. Catharines was left for twenty-five years in the possession of the Indians, for them a happy hunting and fishing ground, as indeed it is to modern folk to-day. It has been the home of prehistoric Indians, whose immense shell mounds¹ testify to

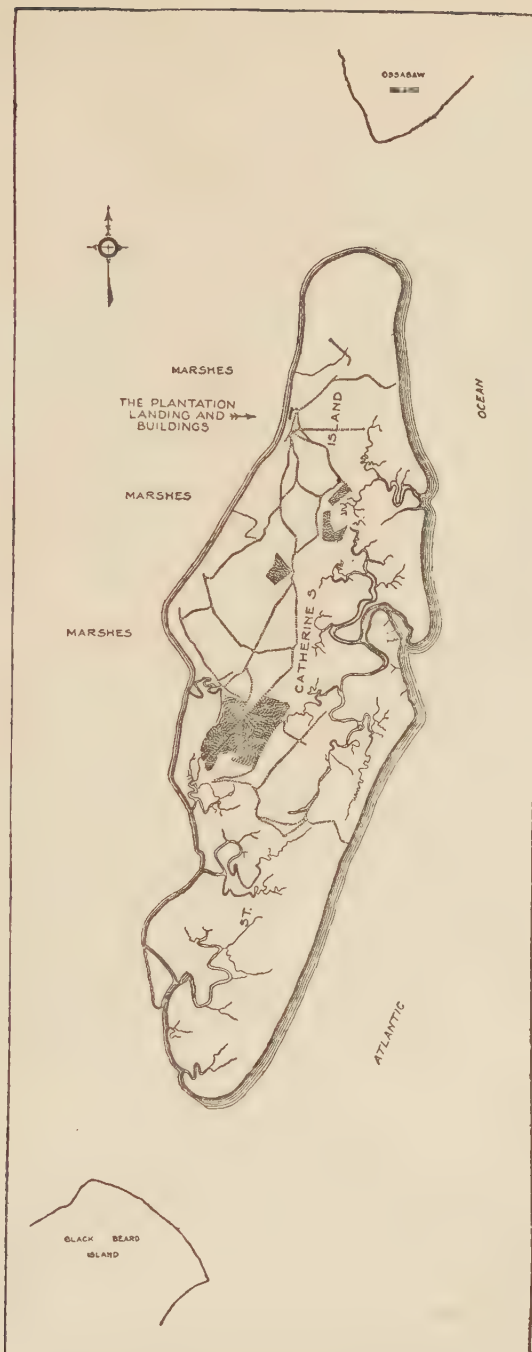
¹In 1897, Mr. Clarence B. Moore, of Philadelphia, published the results of his exploration of numerous burial tumuli on St. Catharines, which was reprinted from the *Journal of the Academy of Natural Sciences*, Vol. XI.

their appetites and industry, as well as to the years of their occupancy. Large tracts of the land were cleared and planted to maize, pumpkins, beans, and melons. With a climate tempered in summer by the ocean winds and in winter by the warmer waters of the coast, very rarely experiencing frost, with immense shade trees and open land easily cultivated, it was no wonder that, in the bartering of a state, they wished to reserve these Golden Islands for themselves and their children's children. But by 1743, an English traveller found only eight or ten families of Indians living upon it.¹ They had then considerable tracts of open land largely planted to corn. The island abounded with all kinds of game with which the Indians supplied their guest "and for Greens boiled us the Tops of China Briars, which eat almost as well as Asparagus."

St. Catharines Island is about ten and one half miles long from north to south and three and one half miles from east to west at its widest part, of irregular shape. Estimates vary as to its area, from 6,200 acres, which was the amount given in the deed when it was conveyed to Button Gwinnett, to 30,000 acres, the guess of the uninformed. Apparently, it has never been accurately surveyed. At the time of Gwinnett's occupancy, it was included in the parish of St. John, which parish, on the adoption of the State Constitution in 1777, was included in the present Liberty County. The principal landing is on the landward side, about two and one half miles from the northern tip of the island. Here, undoubtedly, was the home of the Colonial proprietor, as it is the site of the unoccupied mansion house of the present-day owner.²

¹"Itinerant Observations in America," in the *London Magazine* for 1745, p. 551. Mr. Leonard L. Mackall, of Savannah, discovered that this article, though anonymous, was written by Edward Kimber (1719-69).

²January 26, 1876, Anna Rodriguez sold St. Catharines Island to Jacob Rauers, Esq., of Savannah, whose heirs own the island at this time.



Map of St. Catharines Island

The plantation buildings and probable home of the Gwinnett family are shown by small black dots.

Looking across the intervening salt marshes and hummocks from St. Catharines in Button Gwinnett's time, there could have been seen the houses and shipping in the town and harbour of Sunbury, something less than ten miles away as the proverbial crow would fly. Sunbury is now one of the "dead" towns of Georgia.¹ Before the Revolution, it was a busy, bustling place, a promising rival of Savannah, but a visit to Sunbury in the spring of 1925 disclosed but two houses standing on the site of the once thriving town. One of these dated back to the days of its prosperity; the other was a modern cabin occupied by coloured folks. Here and there, through the fields, the ruins of brick foundations and of chimneys were to be seen, while the graveyard was a tangle of impenetrable brush and vines. The streets and squares have gone, the high bluff, where once were the busy warehouses, and the river's edge once lined with shipping, are empty and bare except for two oyster wharves with their attendant boats. Sunbury was Gwinnett's landing place on the mainland, his base of supplies, the home of Lyman Hall, his friend and fellow delegate to the Continental Congress, and his haven of refuge when dangers threatened his island home from the descent of British war vessels and patrols. Here, after his death, his household goods and chattels and his slaves were scattered by the outcry of a public vendue.

Some seven miles back of Sunbury, and intimately connected with it in Colonial times, is the settlement of Dorchester, which carries with it a romantic story of three migrations from the original settlement of the same name in Massachusetts. The last trek had been from Dorchester in South Carolina, beginning in 1752 and con-

¹See "The Dead Towns of Georgia," by Charles C. Jones, Jr., and "The Collections of the Georgia Historical Society," Vol. IV, 1878, where will be found the account of Sunbury, and also other, at one time important, Georgia towns which have long since disappeared.

tinuing for several years, and here in the swamp lands these descendants of the early New England settlers had founded a town with all the characteristics of a New England village—a central street, a wide green with the houses set back on either side. On the main road from Savannah leading to the south and midway from the Savannah to the Altamaha River and between Mount Hope Swamp on the north and Bulltown Swamp on the south, they established their church, still standing and known as Midway, the first Independent or Congregational Church in Georgia. This body of people gave many public men to the service of the state and nation, and it was to this congregation that Lyman Hall, Benjamin Andrew, and Nathan Brownson, all delegates to the Continental Congress at different times, were attached. Services are no longer held regularly in the church, but it boasts of a long line of distinguished ministers, among them being Abiel Holmes, who was the father of Oliver Wendell Holmes, and whose pastorate extended from 1785 to 1791.¹

At the time of a visit to St. Catharines, in the spring of 1925, the authorities of the state of Georgia were engaged in exterminating the cattle that were running about the island in a semi-wild state. Undoubtedly, some of them descended from the cattle purchased and placed there by Gwinnett and his predecessor a little short of two centuries ago. The owners of the island found it impossible to comply with the state law requiring all neat cattle to be dipped in disinfectants to exterminate the devastating cattle tick. The state has therefore employed a considerable force of men and dogs in running down the animals, capturing and butchering them, to the end that eventually no cattle will remain at large on the island. It

¹See "History of the Midway Congregation." Also Jones's "History of Georgia," Vol. I, p. 491.

is a long and tedious job; only one or two were being caught and slaughtered daily. A well-informed friend¹ who accompanied the writer gave his guess that there were at least fifteen hundred deer on the island, browsing in the dense woods, or grazing in the overgrown open fields. Among these, in order to preserve the vigour of the animals, the proprietors have taken pains, at different times, to introduce new blood.

It was in 1765 that Button Gwinnett purchased the island of St. Catharines, from the "Reverend" Thomas Bosomworth. How the island became the property of the grantor and of his wife, Mary, and the fact that the Bosomworths and Gwinnetts continued to be near neighbours and companions, with close and tangled financial relations, makes necessary some reference to the romantic yet troubled career of this remarkable couple. Indeed, the doings of the Bosomworths, husband and wife, fill five pages in Georgia's colonial history, to one devoted to Button Gwinnett.

About 1700, there was born to an Indian woman of the Creeks, by a white father, a daughter whose Indian name was Coosaponakesee. As a little girl, she was sent by her father to Ponpon, in South Carolina, where she was baptized, named Mary, educated, and instructed in Christianity. When the Indian war of 1715 broke out, a raiding party of Creeks, headed by Mary's uncle Chichilli, crossed into South Carolina, and Mary returned with them and soon took up Indian ways and dress. When a young woman, she married John Musgrave, Jr., the son of a white trader. They settled in Carolina and lived there for upward of seven years until June, 1732, when, at the request of the Creeks, and with the consent of Governor

¹Mr. Robert M. Martin of Hinesville, Ga., who accompanied the writer on his visit, and whose interest and courtesy made the trip a most interesting one.

Johnson of South Carolina, they moved all their goods and settled a trading home at Yamacraw, on the bluffs of the Savannah River. Here Mary Musgrove and her husband were living when General Oglethorpe arrived in 1733 to plant his new colony. She was of great service to General Oglethorpe as an interpreter. Her influence with the Indians and her friendship for the colonists, through all the early years of struggle, were potent influences in promoting the settlement of the colony, and particularly in effecting the treaty made in May, 1733, by which the Indians ceded to the Trustees the territory between the Savannah and Altamaha rivers from the ocean to the head of tide water. All the islands along the coast went with the grant, with the exception of St. Catharines, Ossabaw, and Sapelo, as well as a tract near the town of Savannah, which was reserved as a place of encampment.

Mary Musgrave, throughout all the troubles with the Indians in the early years of the colony, continued the firm friend of Oglethorpe and the settlers. Her labours were invaluable, and General Oglethorpe many times testified his appreciation of her services. She has well been called the "Pocahontas of Georgia." On Musgrave's death, she had married Captain Jacob Matthews, and it was on his death that she married Rev. Thomas Bosomworth.¹

Thomas Bosomworth had been a volunteer in the expedition against St. Augustine and had commended himself to General Oglethorpe by his behaviour on that occasion. He had returned to England to obtain orders for the ministry, and again had reached Georgia in Decem-

¹Stevens in his "History of Georgia," Vol. I, pp. 226-42, states that he had given special study to the career of this remarkable woman and lists the source of his information. See also pp. 450-55 and other references. Col. C. C. Jones, Jr., devotes even greater space in his later "History of Georgia," Vol. I, p. 384 *et seq.* This chapter has been drawn from these accounts.

ber of 1742, and shortly after was commissioned to perform all religious and ecclesiastical offices in the colony. He had not been long in Savannah when he married Mary Musgrave, or Matthews, as she then was. For a time, he continued to function as a minister of the gospel, reporting to the Trustees the number of baptisms and that on March 28, 1744, he had laid the foundation of the church. The year after his marriage Bosomworth unexpectedly returned to England, accompanied by his wife. While in England, he joined the army under his friend Oglethorpe, which was proceeding northward against the Pretender, Charles Edward. The following year, he and his wife returned to Georgia, and then began the troubles which for ten years greatly disturbed the officers of the colony and settlers as well.

In 1747, Bosomworth obtained from a delegation of Creek Indians, who were visiting Frederica, a document testifying that Malatche, an Indian chief and uncle of Mary Bosomworth, had full power to transact all affairs of the Creek Indian Confederation. The next step was to prevail on Malatche to execute a deed conveying the islands of St. Catharines, Ossabaw, and Sapelo, and the tract near Savannah, to Thomas and Mary Bosomworth "so long as the sun should shine and the waters run in the rivers." The consideration was "ten pieces of stroud, twelve pieces of duffles, two hundred weight of lead, twenty guns, twelve pairs of pistols and one hundred weight of vermillion."¹ Having obtained this grant, Bosomworth proceeded to South Carolina and, purchasing a quantity of cattle, stocked the island of St. Catharines, and it is probable that about this time he settled his residence there.

¹The assembled estates of the Creeks, August 2, 1750, granted Couleegee or St. Catharines to "Our beloved man Thomas Bosomworth and our sister Mary, his wife." The deed is recorded in the secretary's office, Charleston, S. C., Book II, p. 424.

The Bosomworths, however, continued pushing their claims for compensation for Mary as an Indian interpreter and for losses sustained. Mary, having been proclaimed Empress of the Creeks, proceeded to march on Savannah with a retinue of warriors to enforce their demands. They were met by a troop of horse and disarmed before entering the town, which they did with Bosomworth marching in his canonical robes, his Indian queen by his side, followed by the kings and chiefs according to their ranks. After several days of confusion and terror on the part of the citizens, Mary was finally arrested, and after numerous pow-wows, the distribution of presents, and much tribulation on the part of the authorities, the Indians were induced to depart, leaving the Bosomworths confined in the town jail. In a few days, having confessed their errors and craved pardon of the authorities, they were allowed to depart.

When the Bosomworths were in England, they sold, October 14, 1754, to Isaac Levy, a prominent merchant of Broad Street, London, a one half interest in St. Catharines, Sapelo, and Ossibaw islands for £1,000, as well as an interest in other Indian lands and the expected profits. Levy spent large sums in developing the possibilities of the islands and visited them personally. When Ossabaw and Sapelo were sold to raise money to satisfy the Bosomworths, Levy stepped in but could not stop the sale. When settlers were notified that purchases of Indian lands must be registered, Levy had his ownership put on record, but having lost all chance of recovering from the Bosomworths, he proceeded to memorialize the Crown for redress. The matter dragged on for many years,¹ even during Button Gwinnett's ownership, Levy asking for other lands in

¹A full account of the Levy matter from 1754 to 1768, and perhaps later, will be found in the manuscript Colonial Records of Georgia in the Secretary of State's Office

Georgia and the West Indies in lieu of those he had lost. The Bosomworths were living at a post on the Altamaha River and here, in defiance of the law of the colony, which prohibited slavery, Thomas Bosomworth introduced six Negro slaves. He was removed from his ecclesiastical offices and the Trustees directed the authorities to remove the slaves¹ from the colony. The Bosomworths now presented a claim for more than £5,000 for past services for Mary Bosomworth as an interpreter and for losses she had sustained in His Majesty's service, and also claiming possession of the three islands, Ossabaw, St. Catharines, and Sapelo, as well as the tract near Savannah, all of which had been reserved for the use of the Indians. A long memorial was prepared by Thomas Bosomworth, reciting the services of Mary to the colony, and this received the indorsement of the military officers at Frederica. Indeed, throughout the controversy, the Bosomworths were not without powerful friends.

The affairs of the Bosomworths were long a matter of legal controversy in England, and it was not until 1759 that this troublesome incident was finally settled. That there might be no question of title, an Indian treaty of 1758 conveyed all the disputed land to the English, and the island of St. Catharines was, June 13, 1760,² transferred to Mary Bosomworth in fee. The islands of Ossa-

in Atlanta. An abstract of the agreement between Levy and Bosomworth appears in the *South Carolina Gazette*, April 12, 1760.

¹In 1749, the Trustees were obliged, owing to popular clamour, to rescind their law regarding the holding of slaves, a regulation which for some time had been openly violated. Jones's "History of Georgia," Vol. I, p. 425.

²Original Grant. Recorded Book B, Secretary of State's Office, Atlanta, page 375.

Mr. William S. Irvine has recently discovered among the forgotten papers of the state, the original survey of St. Catharines and the warrant signed by Governor Henry Ellis, dated December 4, 1759, directing that the survey be made. This the surveyor generals Henry Yonge and William De Brahm completed and returned, under date of January 22, 1760. The map of the survey has been repaired and placed in the state archives. It shows the location of the original house of the owners on the spot where the principal buildings are located today.

baw and Sapelo were sold at auction and the proceeds used toward the payment of £2,050 sterling, to which it was agreed Mary Bosomworth was entitled, £100 a year for sixteen years, as official interpreter, and £450 for goods, which she had expended in the service of the colony.

The day following the receipt of their grant of St. Catharines from the province, Bosomworth and his wife Mary conveyed it¹ to Grey Elliott, Esq., of Savannah, in trust, for the use of Mary Bosomworth or her assigns and after her death, to her husband Thomas Bosomworth, subject to his power of disposal. It is an interesting fact that "Lyman Hall of Sunbury," who was to become the closest friend of the next owner, witnessed the lease and deed which completed this transaction. He was the probable physician and a friend of the Bosomworths.

The Bosomworths continued the management of their island estate for five years when, after quite the modern way, they inserted the following advertisement in the October 3, 1765, issue of the *Georgia Gazette* of Savannah, for many years the sole publication in the province:

To be Leased for Number of Years. The Valuable island of St. Catharine, with the stock and cattle and the use of the Timber. For particulars enquire of the Rev. Mr. Bosomworth on the said island, or of Grey Elliott.

The advertisement was effective, and the response must have been prompt, for, before the month was out, Rev. Thomas Bosomworth, his new wife Sarah, and Grey Elliott, joined in conveying St. Catharines to "Button Gwinnett of Savannah, Merchant."²

Mary Bosomworth, on her death,³ was buried on the

¹Book I, Secretary of State's Office, Atlanta, pp. 377, 378.

²Deed recorded in Book C, Secretary of State's Office, Atlanta, p. 108.

³The date of her death has not been discovered. She was living July 1, 1760, but had passed away before October 30, 1765.

island, and her unmarked mound is still pointed out. It would appear that Thomas and Mary Bosomworth had no surviving children. Thomas Bosomworth later married Sarah,¹ whom M'Call, in his "History of Georgia," says was Mary's "chambermaid." They were the parents of one son, Thomas Bosomworth, Jr., who died on February 28, 1786. Rev. Thomas Bosomworth died February 1, 1782, and was buried on St. Catharines. Sarah Bosomworth had been received into membership by the Midway Congregation in 1768. She subsequently married Joseph Holmes of South Carolina, and it is said the third grave of the little group of mounds still visible on the island is hers.

White, considered a reliable authority, stated that the home in which Bosomworth and his "queen" resided was standing as late as 1830. It was singular in its construction and appearance, being wattled with hickory twigs and plastered within and without with mortar, the whole surrounded by spacious piazzas. All trace of it has disappeared, but it is reasonable to suppose that it was in comparatively near vicinity to the family burial plot, which would place it something more than a mile northward of the present landing and plantation house. The present landing on St. Catharines leads up over a wharf and under a dome of giant oaks draped with moss. A few hundred feet to the right, facing the west and overlooking the bay, is what has been the owner's home. It is a modest but comfortable dwelling built of tabby, a mixture of lime, sand, and shells, as are all the other houses and buildings near by. Through the middle runs a wide hall with rooms opening off from it on either side. The walls are of considerable thickness; a porch is across the front. At the rear, toward the north, is a square building which was

¹Sarah Bosomworth signed her name with a mark to the deed to Button Gwinnett.

the smoke house, and to the south is the outdoor kitchen, not too far away from the rear entrance.

To the southeast of the mansion were the slave quarters, a regular village consisting of three rows of double cabins, seven in each row, the two rows to the east facing a wide open common. Many of these are in ruins, and some have almost completely disappeared. At each end of the common are the ruins of square buildings which were used by the Negro women in which to grind their corn. The church was destroyed some years ago, so that one of the double cabins has had a steeple added and been converted into a chapel. Two of the cabins are occupied by coloured folks who have been on the island for at least four generations, this being as far back as they had knowledge. Northeastwardly from the rear of the mansion house, and in a general way balancing the slave quarters, are the large barns and ruins of the cotton gin. It is not known if this dwelling was the home of Button Gwinnett, but it was undoubtedly the location of his home. There are no dates on the buildings, and no one apparently knows when they were constructed. Most of the buildings look old enough to date back to Gwinnett's time, and in the absence of proof to the contrary, it is the writer's opinion that this was, at least, the site of Gwinnett's home on the island of St. Catharines.

CHAPTER VI

FINANCIAL WORRIES

WITH the purchase of St. Catharines, on October 30, 1765, "Button Gwinnett, late of Savannah, Merchant," became "Button Gwinnett of the Island of St. Catharines, Esq.," a distinction which had much to do with his future career, but carrying with the change a financial burden which he was never fully able to discharge. To Rev. Thomas Bosomworth he paid £1,000 for all the stock on the island, the horses and "hoggs to be taken as they run," and the cattle to be driven up and counted. It was agreed that the sale should be computed at six hundred head, twenty-five shillings a head to be allowed either way, for a surplus or shortage, when the round-up occurred on the first of July next ensuing and the exact number determined. This purchase also included a boat of considerable size, with its equipment, necessary for communication with the mainland and the carrying of produce and supplies.¹

St. Catharines Island itself, roughly estimated to contain 6,200 acres, was bought entirely on credit. The purchaser obligated himself by bond to pay £500 within five months.² Another bond was given for £3,000 to secure the payment of an annuity to Bosomworth of £187 10s. in quarterly payments during his lifetime.³ Still another bond was given, amounting to £1,000, for the

¹"Georgia Records," Volume R, p. 237.

²*Ibid*, Volume Y, p. 116.

³*Ibid*, Volume R, p. 14.

payment of "growing interest" at 8 per cent. on £1,000 during Bosomworth's life, and the principal within three years after his death, but Gwinnett was to have the option of paying both principal and interest on due notice.¹ On these terms, which were considered equivalent to a total payment of £3,000, the island was leased to Gwinnett for a period of 500 years at a yearly rental of one penny. The conveyance included an unusually long list of hereditaments; it mentioned the "house, outhouses, barns, stables, buildings, improvements, orchards, gardens, yards, meadows, pastures, fittings, commons, timber trees, and other trees, woods, underwoods, coppices, hummocks, ways, waters, water courses, creeks, fishing, royalties, liberties, privileges, commodities, advantages, emoluments and hereditaments, rights, members and appurtenances whatsoever thereunto belonging."²

The management of the Bosomworths, no doubt, had been slack and inefficient. The island, having been the hunting and fishing ground of the Indians for centuries, was thereby considered more or less public property. The new owner soon found that trespassers and poachers were killing and carrying off his hogs and cattle and the fish and oysters from his creeks and shores. Gwinnett accordingly inserted a notice in the *Georgia Gazette*³ forbidding hunting and fishing and offering the considerable sum of £20 not only for the conviction of a trespasser, but an equal amount for information that would lead to his discovery.

As Gwinnett passed through the back channels on his trips to and from the mainland, or looked out over the bay, it was obvious that he should control the "hum-

¹"Georgia Records," Volume R, Bonds etc., p. 13.

²*Ibid*, Volume I, Mortgages 1765-1770, pp. 36-40.

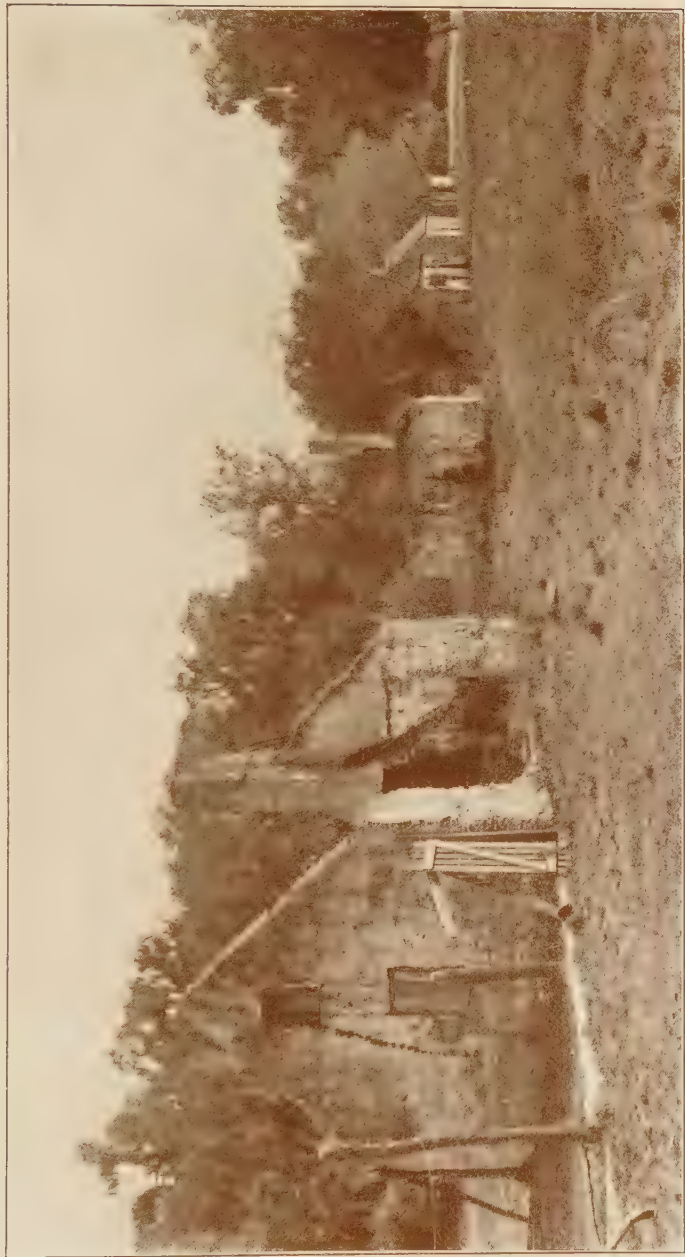
³The issue of September 3, 1766, p. 64.

mocks," or low-lying islands, so that they might not fall into unfriendly hands. On petition to Council, these were granted him and became appurtenant to St. Catharines.

In 1765, a few months before Gwinnett bought St. Catharines, the Council of the colony, sitting at Savannah, made an order that no land exceeding 150 acres should be granted any one person, unless the purchaser gave security to settle and improve it by bringing into the province within eighteen months a family or Negroes. Land was to be granted at the rate of 50 acres of plantable land for each member of the family or Negro, or for every 100 acres of pine land suitable for lumbering, one Negro was to be brought in. Instead of the above, if the purchaser would agree to erect a sawmill thereon, attended by not less than four persons, he could obtain 500 acres, and for an eight-man mill, 1,000 acres. Under these regulations, despite his very considerable acreage on St. Catharines, which did not come under these provisos, Gwinnett petitioned for additional land.¹ He was still interested in shipping, and was desirous of obtaining some good pine land for the purpose of cutting timber. He asked for 1,000 acres on the Sapelo River, and this the Council granted, under conditions which applied to all such petitions: first, he must take out his grant within seven months; and, second, have the same registered in the register's office in order that His Majesty might not be defrauded of his quit rent of two shillings for each 100 acres. These conditions were apparently never fulfilled, for, some two years later, Gwinnett again petitioned Council.² He sets forth in his application that having a wife and child and 14 Negroes, he was entitled to 800 acres, and he asks that this amount be given him in St.

¹December 2, 1766, "Colonial Records of Georgia," Vol. IX, p. 699.

²*Ibid*, Vol. X, p. 177.



Ruins of Slave Quarters

On St. Catharines Island. From a photograph taken March, 1925.

Philip Parish between Midway and the Ogeechee River. This the Council granted. Again, in January of 1769, he joins with his friend Samuel Farley of Savannah in petitioning for 500 acres of land, one half to be plantable and the other to be pine land on which they designed to erect a sawmill. A little later he tells Council that he had lately purchased a tract on South Newport River, near to which is some vacant pine land which he was desirous of obtaining. He again called attention to the fact that he had a wife and child, and by this time 25 Negroes, and he consequently asked for 1,450 acres. Council granted 1,350, the amount to which he was entitled. Unfortunately, Mrs. Gwinnett and the daughter were absent from the province, and nothing was done until their return. Two years later, his family having joined him, he again brought the matter to the attention of the Council and asked for the original grant of 1,450 acres, to which he was now entitled. This the Council granted.¹

In all, Gwinnett received from the province 3,750 acres of land which, had he been able to retain it, together with St. Catharines Island, would have made him among the largest landowners in the province. One of the conditions under which this land, secured by grant from the province, could be held, required a payment of two shillings for each 100 acres to His Majesty's Receiver General, to be paid annually on the twenty-fifth day of March. In addition, within three years, three acres must be cleared and worked for every 50 acres of plantable land. Or the homesteader could drain three acres of marsh or sunken ground if the tract contained any such. Or if the land was accounted barren and not suitable for cultivation, on every 50 acres at least three neat cattle or six sheep or

¹"Colonial Records of Georgia," Vol. XI, p. 347.

goats were to be pastured or browsed upon it. In case the land was stony or rocky and unsuitable either for cultivation or pasture, at least one able hand must be employed on every 100 acres in digging at stone quarries, coal or other mines. The effective use of cultivation or pasturing or draining of every three acres would save from forfeiture 50 acres, no matter where they might be located on the tract. And the hunting, hawking, and fowling went with the purchase, as well as all mines and minerals; but all white pine trees, if any should be found, and one tenth of all the gold and silver which might be found, were reserved to the Crown. It would take more research than the interest in the subject would warrant to determine how many of these 3,500 acres Gwinnett was able to cultivate and hold. It is known that the 1,000 acre tract on the Sapelo River in St. Andrew Parish, adjoining other land which Gwinnett possibly had purchased, and containing unusually heavy timber, was in his possession at the time of his death.

Had Gwinnett not been overwhelmed with debt, much of it dating back to his commercial and shipping enterprises, he might have become a successful planter. Agriculturally, St. Catharines presented a great variety of opportunity. It embraced lowlands and marshes and higher fertile ground adapted to the culture of Indian corn and indigo. Its open spaces were covered with grazing cattle. The timber on the sea islands was unequalled; indeed, John Wereat, later the agent of Congress in the province, had not found anywhere larger timber than that growing on Blackbeard's Island, which is next south of St. Catharines across the Sapelo channel. The principal exports of the day were corn, indigo, rice, and hides, which were sent to Europe in ever-increasing quantities, and staves, shingles, lumber, and live stock to the West Indies.

Sea-island cotton, noted for the length and quality of its staple, which attains its highest perfection on the islands along the coast, was not raised in any considerable quantity on the Georgian islands until after the Revolution. Rice and indigo were at first more profitable crops. The first considerable shipment of sea-island cotton was in 1791, when 10,000 pounds were sent to England. The presence of a gin in St. Catharines indicates that cotton has been grown there in the past. In Gwinnett's time, indigo and cattle were the main dependences as money producers.

To work his plantation, man his sawmills, and conduct his shipping, hands were needed, and by the purchase of a large number of Negroes, probably all on credit or with borrowed funds, Gwinnett created additional debts which soon began to trouble him. The claims of merchants in Liverpool, Bristol, Pensacola, and St. Croix were placed in the hands of attorneys in Savannah, who tried to collect what was due. Embarrassed and harassed, he embarked in a course of borrowing from a new creditor to pay off an old one. Noble Jones of Savannah lent him £180 18s. 8d. and took a mortgage on six slaves—Quamina, Sam, Cuff, Qua, Cleo, and Doll. A few months later, he was obliged to sell Damie, Monday, Cicero, Boston, Jacob, Mary, Doll, and her children Judith and Flora to James Read of Savannah.

About 1770, he began placing mortgages on St. Catharines in addition to that held by Rev. Thomas Bosomworth, which had been created to secure the initial payment. Claims proceeded as far as the hands of the sheriff, or the provost marshal, as this official was called in Georgia, and this officer proceeded to levy and sell the personal property to satisfy clamouring creditors. Gwinnett's affairs came to a climax in February, 1773, when his

creditors were rounded up under the leadership of Alexander Rose of Charleston and Robert Porteus of Beaufort. They bought St. Catharines for £5,250, and proceeded to use the proceeds to pay off the debts. These amounted to £6,267 14s. 17d. and with some adjustments of moneys in the provost marshal's hands, left £234 11s. 2d. for Gwinnett still to make up. They paid him £250 for the "beasts, cattle, hogs and lumber" for which, some years before, Gwinnett paid £1,000 to Rev. Thomas Bosomworth. This sale included the plantation boat, described as being 20 feet long with a beam of six feet.

Beyond this date, Gwinnett's relation to the actual ownership of St. Catharines is not clear. Under some arrangement with the new owners, he continued to make the island his home, and on his death his personal property and slaves were located there.

Gwinnett's affairs had indeed reached a crisis. He had apparently had ideas of exploiting the island and selling tracts of land to small purchasers, for, about this time, he entered into such an arrangement with one Stephen Drayton of the well-known Drayton family of South Carolina. As Drayton's letter is the only one of the kind so far unearthed which makes any definite charges against Gwinnett's character, and as it gives us some side lights on his business plans, it is given in full. It must be remembered that it is the wail of a disappointed plaintiff, regarding a man at that particular time beset with financial worries, and that, in the end, Drayton was called upon to pay Gwinnett the amount the latter considered justly due him, together with interest in full.

The letter is addressed to John Houston, Esq., one of the leaders among the Georgia lawyers of the day and inclined to be unfriendly to Gwinnett:

Saint Andrew's Parish, 20th March, 1773.

DEAR SIR:—

I came to this province in hopes to have enjoyed the latter part of my life, in a retirement unknown, but by falling into the hands of a Man of Gwinnett's principle, I am disappointed, and from his base designing views, am called out to be known in your Court—it is with great regret I embark in a law suit, for however I may regard the Man, yet as Falstaff says the quirks & quiddities of the law makes me tremble.

But—

“True conscious honour is to feel no Sin.

He is arm'd without who's innocent within.”

In this thought let me now in as clear a manner again relate, every circumstance relative to Gwinnett, as far as this matter lies in hand—My being deceived in all his promises Verbally and from under his *hand* first led me to make any terms with him—being an utter stranger in the Province, situated on St. Catharines, void of any, even the least convenience of getting off the Island—I sought in the purchase I was about to make of him, an assylum for my family untill I could, from enquiry and acquaintance settle myself upon profitably—next to this, was, his assuring me the money I should pay him, was intended absolutely to liquidate a sum, I borrowed for him or at least that he obtained from my father therefore was my bond drawn payable in South Carolina currency—in order then to be somewhat comfortable I immediately made out a bill of Scantling which I sent to Mr. Wm. Maxwell to be used to build forthwith as titles should be made—the first of July was the limited . . . in the meanwhile I several times addressed Gwinnett to make those titles as soon as—, because I did not choose to improve a real Estate upon so precarious a footing—he obliged himself to make me good and sufficient titles in Law—on or about the *22nd of August* he wrote me word he was ready to make those titles, & at the same time sent me for my perusal *a sett of blank conveyances*—intended *from Barber to him*—before this I had sent my counterpart of bond of performance to you—I wrote him for answer his behaviour had been so full of chicanery that I had applied to those who were better able to deal with him than I was,—& had sent his *useless blank conveyances* back—he then sent me a Rec per Barber, unauthenticated, *as Barber is totally illiterate*,—concluded he was ready when I pleased to make the titles but if I hope to have the opinion first of my Counsel, he would repeated much this same an-

swer as my former, I wrote you on the head since which time he has not put it in my power either to ask him for titles or anything else, being constantly plying between the two Provinces—this with what I heard Mr. P. Mackay affirm that Gwinnett cou'd not make good titles to those Islands as he cou'd fully prove, having before sold them and several other hints wch tho he did not clear, yet made me conclude that Gwinnett's honesty was far from great. I say this obliged me to look out somewhere else and therefore began in July to treat with Mr. Roderick MacIntosh for a piece of land in this Parts, to which I have been at great expense in settling having concluded my treaty on the 21st said month. You will see by the enclosed that yesterday he made demand point blank as if he had fully performed all his Covenants—my answer were in these words—

“SIR

Your letter of this Date from Sapelo Island demanding a payment of a bond and account surprises me, as by it you make demand as tho' you really were entitled to what you say—I am as little inclined to enter into litigious concerns as any Man—however if no other way can be used, I must awaite the issue of a decree of Court, in an affair of some moment as this is to me. I am &c.

“S. DRAYTON.”

“BUTTON GWINNETT, ESQ.

Let me now observe the disadvantages arising from his nonperformance of articles in the first place he was to have sawed indigo planks for me—doubting from some subsequent actions of his, that he would not get enough in time, I applied and got at a great expense some plank from Frederica which made one sett only that I used in working up part of my Indico—I have been told that he really did saw the plank but he never either verbally or otherways made me acquainted that they were sawed and ready for me—one of my Carpenters I sent to get them Mr. Gwinnett was from home, had left no directions nor orders concerning the delivery—by which disappointment I lost upwards of fifty acres of Indigo—I do affirm he never made me in the least acquainted of his having compleated that part of his Agreement, my getting plank from Frederica cou'd be no excuse—he should have tendered me those he got, if he did procure them, so I do not know he made use of that plea. Secondly, his giving me titles put me to another great expense which by it I did propose shunning—the situation of the Island I was to have had are extremely healthy—where I was on St. Catharines the reverse I proposed building as I mentioned al-

ready, immediately to move my family before the sickly months sett in—but by his neglect or incapacity to make valid titles, before that season, I was obliged to accommodate my family in Sunbury, where not being able to lease or rent, I had no alternative but to purchase or Risque my family on a place where the distemper incident to such low wet places had become contagious, I mean the dysentery & therefore purchased for £300 the house of Patrick Mackay in Sunbury—which house I now hold & against my will, having it in my power to lay that sum out to much better advantage otherways—true the land I got of Mr. McIntosh is good, but had Mr. Gwinnett performed his covenants with me, not only the purchase in Sunbury would have been saved, but I might have fixed on a Spott much more advantageous to me than the present, as my situation on those Islands would have been such that I could have made some profit thereon & and had time to have looked about me to have employed my credit or money more to my satisfaction & interest, such were my views & plans—how far Sir you may think on the matter now presented to you, (which is incontestable) I may build a plea, or rest on the opinion of a Jury I know not,—or whether I may easier find redress in Charleston as your Governor's opinion I would reply upon either in matter of law or Equity & I as a plain Man think, there can need few demurrs or rejoinder where facts of so late date can be so fully proved—for your opinion, Counsel and advice fully how to act, I now send my Boy—to wait your leisure in Order that I may be easy in my solitude and seek to live, as I wish, almost utterly unknown—I beg and intreat therefore you would be so good as—the absolute necessary to be done, and when if it should come to be a tryal may prepare myself for a visit to Savannah, because on my going I shall be obliged to place Mrs. Drayton and her Children, where in my absence she may receive some more assistance than this desolate place can possibly afford—and now Sir, to prove in Part how great an injury has been done me by Gwinnett, be pleased to accept of this Note of £20 having it not in my power from hence to send you as much money as I could wish—this sum I mean only as an earnest which before I shall be—appear at Savannah I shall have fully in my power to change. I inform you that the produce of St. Catharines did not pay my Overseers wages, the Carpenter and the plank, such was my expense, my disappointments created, and such my profit—I am

Dear Sir

Your most abt. servant

STEP. DRAYTON.¹

JOHN HOUSTON ESQUIRE

¹From the Emmett Collection in the New York Public Library. Emmett Catalogue, p. 266, No. 4128.

A year later, either as the result of findings of the Court, or of arbitrators, or of calm legal advice, Drayton paid Gwinnett £500 with interest in full, indicating that no injustice had been done him.

It would be tedious to enumerate the various borrowings, the bonds and notes and accounts to which Gwinnett was obliged to resort, and the mounting interest charges under which he struggled. In order to provide capital either for new operations on St. Catharines or to provide slaves to work the considerable tracts he acquired from the colony about this time, he obtained a loan from John Neufoille of Beaufort, S. C., for £7,182 10s. which was to be repaid in three months, but the time of payment was extended, and it was not until after Gwinnett's death that it was discharged by his executor.

CHAPTER VII

PUBLIC LIFE, 1767-1775

HAVING become a qualified elector of the province through the ownership of at least fifty acres of land, Gwinnett was commissioned¹ one of His Majesty's Justices of the Peace for the parishes of St. John and St. Andrew. This, so far as is known, was the first public office he had received, and that it was no sine-cure is attested by a document still existing bearing the signature "Button Gwinnett, J. P." The following year, a new commission was issued to him, and he continued to serve as a justice for several years, his jurisdiction covering not only the parish of St. Andrew but as far southward as the River St. Mary. Another appointment came to him in 1768, that of Commissioner for regulating the pilotage for the bar of St. Catharines, the River Midway, and for the Savannah bar and inlets to the northward of St. Catharines inlet.²

After the government of the province had been taken over by the Crown from the Trustees in the year 1752 and on up to the Revolution, the legislative powers were vested in three branches. These were the governor, appointed by the king, the Governor's Council, sitting as an upper house, and the lower house called Commons House of Assembly. The latter body alone could originate revenue bills, and they even claimed at times that all bills must originate in the lower house. The qualification for mem-

¹February 3, 1767. "Colonial Records," Vol. X, p. 82.

²Commission signed by Governor James Wright, Commission Book B, p. 161.

bership was the ownership of at least five hundred acres of land anywhere in the province. The members of the House chose their own Speaker, but their choice could be negatived by the governor. The members were elected for no definite period, but served until the governor considered they had outlived their usefulness. They could adjourn only from one day to the next, longer adjournments being made only under authority of the governor. Members served without compensation and undoubtedly at considerable sacrifice of time and expense. To this body, Gwinnett was elected by the voters of St. John Parish, in 1769, it being the first session of the Seventh Assembly, which met at Savannah the last Monday of October of that year.

In 1758, an act was passed dividing the settled portions of Georgia into parishes, for establishing the religious worship of the Church of England, and authorizing the churchwardens and vestrymen to assess taxes. Four parishes covered the territory up the Savannah River to a point beyond Augusta, and four parishes extended along the Atlantic coast southwardly from Savannah. The latter town and territory were included in Christ Church Parish, which extended to the Great Ogeechee River. Next below was St. Philip Parish, and south of that, embracing the town of Sunbury, the district of Midway, the islands of Bermuda and St. Catharines, was the parish of St. John. In addition to their ecclesiastic functions, the parishes also constituted the administrative and legislative units of the civil government.

A quorum of the assembly was not present on October 30th, but did gather in a few days. But, by the end of a week, Gwinnett and two other members had not put in an appearance, and the Speaker was directed to issue his

warrant for their arrest with directions to the messenger of the House to produce them. On November 14th, the messenger appeared with Gwinnett in custody. Gwinnett explained that he had been ill and confined to his bed for the last four days. This excuse was satisfactory to the House, and he was permitted to receive the oath of office, the oath of abjuration and take his seat.¹

Gwinnett's delay of two weeks in taking his seat had not impaired the confidence in him of his fellow members, for the next day he was appointed one of a committee of three to bring in a bill to prevent the stealing of horses and cattle, and on the same day on another committee of three, of even more importance. The Treaty of Paris at the close of "that glorious and successful tho' expensive war," usually called the French and Indian War, had annexed to Georgia the land between the Altamaha and St. Mary's rivers. This had been divided into four parishes, and these, so far, had not had representation in the Commons House of Assembly. A committee was appointed to prepare a "Humble Address" to the governor "setting forth in the warmest manner the grievances of the four southern parishes" and asking that a writ of election be issued. This matter continued a point of controversy between the governor and the Assembly for some time, the former stating he had no power to issue the writ, and the Assembly declaring that the parishes should not be taxed unless they were represented. Already several points at issue were being raised by an increasingly independent Assembly against a conscientious governor, and this was but one of several which occurred during this session of the lower house. The day following this appointment, Gwinnett was added to a committee to ascer-

¹"Colonial Records," Vol. XV, p. 43.

tain which laws of the province had expired or were about to expire, a duty which involved a considerable amount of research and hard work.

On December 4th, the House asked that the governor furnish it with the treaties he had made with the Indians. Mr. Gwinnett and Mr. Bullock were appointed a committee to wait on His Excellency, and the following day they reported they had done so. The governor told the House in a parliamentary way that the matter was none of its business, but, nevertheless, he did finally submit the treaties.

A few days later, Benjamin Franklin was reappointed agent to solicit the affairs of the province in Great Britain for one year from the first of June last, and Gwinnett was on the committee to bring in an ordinance for the appointment. It was decided that, from the first of June next ensuing, the Hon. Grey Elliott should serve in the absence of Doctor Franklin as agent for the province, and Gwinnett was made chairman of the committee to prepare the ordinance, to carry this second appointment into effect.

When it was necessary to prepare a second address to Governor Sir James Wright regarding the four southern parishes, Gwinnett again was selected to serve, and he headed the committee which bore the views of the House to the governor.

The session of the Legislature was an interesting and busy one, with a wide range of legislation. Acts for preventing the encroachments of the Indians, for governing the slaves, to encourage the growers of hemp and flax, obliging all white male inhabitants to carry firearms to places of public worship, to prohibit the export of Indian corn, to suppress accidents by fire, were a few of the weighty measures passed by the Assembly. One of the minor matters requiring discussion was the appropriation

and instruction for Doctor Franklin to purchase a silver and double gilt mace for the use of the House at a cost not exceeding one hundred pounds sterling, and also "two gowns such as he might think proper for the Speaker and Clerk of an American Assembly."

A bill of personal interest to Gwinnett, as affecting his frequent trips to Savannah, proposed a ferry over the Midway River from Sunbury, which shortened by ten miles the distance to be travelled from that town to Savannah. Certain citizens of the parish through which the road would pass objected, claiming that it was scarcely any shorter than the present road and that eighteen miles of it would be through swamps and bad ground. They said the road already laid out and worked for the last fifteen years was in no ways perfect, the causeway having been impassable for nearly three weeks "it having been much damaged by the late fresh." On March 31st, Gwinnett acted as chairman of the committee of the whole house when the road bill was read and agreed to pass.

Toward the end of the session, which came May 10th, Gwinnett would seem to have returned to his home, as his name, up to that time appearing frequently in the minutes, became absent from the record. The governor adjourned the Assembly until October and again Gwinnett was not present when it reassembled. By December 14th, the clerk was directed to write him, stating that the House desired his immediate attendance. No attention apparently having been paid to this notice, on February 20th, Gwinnett's name having been called twice, and he not appearing or presenting any excuse for his absence, it was "Ordered: That the Speaker do issue his warrant for taking into custody Button Gwinnett, Esq., a Member of this House for absenting himself from his Duty in Assembly." Thomas Lee, the messenger of the House,

therefore set out to arrest the delinquent, but on February 22, 1771, Governor Wright dissolved the Assembly and its members dispersed. When Lee and his prisoner arrived in Savannah, there was no one to whom to deliver him, and no one to compel Gwinnett to pay the costs as was usual when a member was brought to the House. But the revenue bill of 1773 contained an appropriation to Thomas Lee of £6 19s. "for his trouble in fetching Button Gwinnett, Esq. p. warrant."

After his work in the seventh Commons House of Assembly, Gwinnett does not appear in public life for a period of nearly five years. His increasing financial tangles and burdens were oppressing him and required all his time and effort. With his creditors clamouring for payment, with his goods seized and sold by the provost marshal, with hurryings to and from Beaufort, Charleston, and Savannah in a vain effort to stem the tide of disaster, and with the final sale of St. Catharines, he would have little time and less heart for public affairs.

Gwinnett's apologists have ascribed his holding aloof in all the early steps toward independence to timidity on account of the exposed position of his family and property. The same writers have been at pains to explain why the province itself was so late in joining the patriot side. Georgia was the youngest, the most remote, the poorest, the most sparsely settled, and the least important of all the colonies. To the south was the garrisoned province of East Florida, to the west was West Florida, with 10,000 warriors of the Creeks, Choctaws, and Cherokee nations, intrepid and eager for war. Her governor, Sir James Wright, was able and sympathetic, and under his wise and energetic rule the province had greatly prospered. Furthermore, the province had received many thousand pounds from Parliament, so that her people had much to

be thankful for and little of which to complain. None of the acts which had exasperated her sister colonies had directly affected her. There was every reason why she should have remained peaceful and loyal except the one impelling purpose of a common cause.

In addition to all these considerations, which may well have made Gwinnett slow to throw himself into the movement for separation, was the fact that he had been in the colonies for only a few years. He had grown to mature manhood under the royal standard, his father and older brother were officiating clergymen of the Church of England, his sister the friend and companion of members of the ruling class, his younger brother an officer in the King's army, his father-in-law a substantial British citizen. Every family tie bound him to the homeland. Eight of the fifty-six signers of the Declaration were born in Great Britain, and with the exception of the president of Princeton, John Witherspoon, who came over from Scotland at the age of forty-six, Gwinnett had been longest rooted in the institutions of England before being transplanted on Georgian soil.¹ Witherspoon reached New Jersey in 1768; in 1765, Gwinnett became a landowner in Georgia. The Scotsman would inherently feel less compunction in breaking with the British Government than would Gwinnett, reared in Gloucestershire.

It was not until July 27, 1774, that the first movement of dissent from England's course was made in Georgia. On that date, an open meeting was held at the Liberty Pole at Tondee's tavern in Savannah. In this gathering were at least two of Gwinnett's particular friends—Dr. Lyman

¹The following signers, in addition to the two named above, were born in Great Britain: in Ireland, Matthew Thornton of New Hampshire, George Taylor and James Smith of Pennsylvania; in Wales, Francis Lewis of New York; in Scotland, James Wilson of Pennsylvania; and in England, Robert Morris. All were lads or, at most, very young men when they came over.

Hall of Sunbury, and Samuel Farley of Savannah. The former, from this time on, looms large in Gwinnett's life and affairs. Throughout the latter's life they were friends and close associates in the political life of the province and colonies, and at Gwinnett's death Doctor Hall administered his estate and cared for the widow and orphan in their distress. He had been born in Connecticut and educated at Yale. He practised medicine first in Ponpon, S. C., and later in St. John Parish.

At this first rally in Savannah, most of those present were from Christ Church and St. John parishes; it was therefore resolved to try for a more representative meeting on August 10th next. This met and passed resolutions, reciting a long list of grievances to which the colonies had been subjected—few of them, however, applying to Georgia. In January, 1775, an election was held for members of the Commons House of Assembly, and in every parish, candidates favourable to the royal government were opposed by those of the other party. An overwhelming majority of the latter was elected. The convention met in Savannah on January 18, 1775, but beyond appointing committees of correspondence, nothing much was accomplished. When these deputies returned to their respective parishes, the cautious steps they had made were generally approved by their constituents, with the exception of the inhabitants of the parish of St. John, who were highly indignant that no radical action had been taken. The loyalists and the ruling aristocracy in Georgia were filled with contempt for the leaders of the revolutionary movement, and indignation that the affairs of government had been so rudely taken out of their hands. In an interesting account of the period, a lady of Savannah states that everywhere "the scum rose to the top."¹

¹"Recollections of a Georgia Loyalist," Elizabeth Lichtenstein Johnston, p. 45.

Governor James Wright sums up the situation in St. John Parish comprehensively in a letter of April 24, 1775, to the Earl of Dartmouth. He says:

The committees in the parishes were a parcel of the lowest people [he complained], chiefly carpenters, shoemakers and blacksmiths. It is really terrible that such people should be suffered to overthrow the civil government and most arbitrarily sport with other men's lives, liberties and property."¹

I must mention that a few inhabitants of the Parish of St. John, chiefly descendants of New England people, of the Puritan independent sect, and who left New England and settled in South Carolina about forty or fifty years ago, and who, there is reason to believe, still retain a strong tincture of Republican or Oliverian principles, have entered into an agreement amongst themselves to adopt both the resolutions and association of the Continental Congress. They did not join the people here but sent three persons to Charlestown in South Carolina, to the Committee as they call them, offering to associate with them; but they would have nothing to say to them, being but a few or a part of one parish only; and I am told they have appointed a man, Lyman Hall, of New England extract, to go from thence to meet in Philadelphia next month, where, I expect, they will be treated the same manner as in Charlestown. And these poor insignificant fanatics no sooner entered into Association than they broke through it in many instances, and still do, although they pretend great sanctity, and to be strict adherents of religion and liberty, as they term it; and it is said they have collected about two hundred barrels of rice which Hall is to carry with him for the relief of the poor distressed, innocent brethren in Boston, suffering under tyranny and oppression."²

On March 21st, Lyman Hall had been appointed by the parish of St. John as a delegate to the Continental Congress which was to assemble in Philadelphia on May 10th. The parish had practically seceded from the province, exasperated by the apparent sidestepping of the provisions of the Continental Association by the Assembly at Savan-

¹"Georgia Historical Collections," Vol. III, p. 227.

²As printed in "White's Historical Collections," p. 523.

nah. It is true the Assembly had appointed Noble Wymberly Jones, John Houstoun, and Archibald Bulloch as delegates to Congress, but the gathering had not been a representative one, sentiment was not yet crystallized, and these delegates declined to proceed to Philadelphia, until better assured that the sentiment of the Province was back of them, sending instead a letter explaining their position.

Had the results not been so immediate and the example of the one parish so potent in shaping the action of the rest of the province, the situation would have been absurd; a little parish with possibly two hundred voters setting up its machinery for independence and boldly dispatching a delegate to the Continental Congress. Doctor Hall, armed with his credentials signed by twenty-one of his neighbours and friends as a committee representing the parish, proceeded to Philadelphia, probably by water, with a present of rice for the suffering inhabitants of Boston. On Saturday, May 13th, three days late for the opening of Congress, he presented himself at the door of the Chamber in Independence Hall. Sir James Wright's prediction was not fulfilled. Congress cordially invited him in, read his credentials, and gave him a seat. On the following Monday, the question arose as to whether the delegate from St. Johns could be admitted to a vote. After some debate, Doctor Hall arose and suggested that he should not vote on any question on which a vote by colonies was necessary, but that he was contented to hear and assist in the debates and give his vote only when the sentiments of Congress were not taken by colonies.

On July 4, 1775, the first Provincial Congress met in Georgia, and on the seventh of the month Dr. Lyman Hall was elected a delegate to represent the whole province, together with Noble Wymberly Jones, Archibald Bulloch,

John Houstoun, and Reverend Doctor John Joachim Zubley, any three of whom were to constitute a quorum.

Doctor Hall, however, continued the sole representative of Georgia until Congress recessed on August 2d. After that date, his name disappears from the journals, and he apparently returned to his plantation home in St. John Parish. Neither did Dr. Noble W. Jones respond to this appointment, he remaining at home at the earnest solicitation of his father, a man deeply attached to the Crown, far advanced in years, and who had but little longer to live. In all the various meetings and movements, Button Gwinnett took no recorded part. He was not a delegate to the first Provincial Congress of Georgia when the royal authority was temporarily overthrown.

The Continental Congress was slow in reassembling after its recess from August 2 to September 5, 1775. Three of the delegates from Georgia—Archibald Bulloch, John Houstoun, and Rev. John Joachim Zubley—were on hand early.¹ Two of them were clad in homespun suits, a sufficient novelty to create comment. Richard Smith, a New Jersey delegate, records in his diary, "Two of the Georgia delegates are possessed of Homespun Suits of Cloaths, an Adornment few other members can boast of, besides my Bro^r Crane and myself."² It was the all-observing Adams who tells us that Archibald Bulloch was one of the two Georgians so dressed. Houstoun he described as "A Young Gentleman, by profession a lawyer, educated under a gentleman of eminence in South Carolina. He seems to be sensible and spirited, but rather inexperienced." Reverend Doctor Zubley "is reported to be a learned man of a warm and zealous spirit, it is said

¹Christopher Marshall, in his diary, says they arrived in Philadelphia, August 11, 1775. They would not have known of the contemplated recess before leaving Georgia.

²Quoted in "Letters of Members of the Continental Congress," Vol. I, p. 196. "Bro^r Crane" is Stephen Crane, a fellow delegate from New Jersey.

he possesses considerable property." The latter was a clergyman, the pastor of the important Presbyterian Church in Savannah. This appointment was unfortunate, his unfitness being now apparent from a sentence in his diary, "I made it a point in every company to contradict and oppose every hint of a desire of independence or of breaking our connection with Great Britain." With this feeling in the back of his mind, he soon clashed with more ardent patriots, and had hardly taken his seat when he crossed swords with Samuel Chase of Maryland.

In a debate in Committee of the Whole on the state of trade of the thirteen colonies, particularly the enforcement of the non-importation clauses in the Continental Association, Doctor Zubley took a prominent part. He was on his feet many times. "We can't do without trade; we must have trade; it is prudent not to put virtue to too serious a test."¹ "A Republican government is little better than government of devils," he said on October 12th, continuing his argument. "I look upon it the Association altogether will be the ruin of our cause." This was too much for Chase. "I will undertake to prove if the reverend gentleman's advice is followed we shall all be made slaves. If he speaks the opinion of Georgia, I shall sincerely lament they ever appeared in Congress. They can not, they will not comply! Why did they come here? Sir, we are deceived! Sir, we are abused! Why do they come here? I want to know why their Provincial Congress came to such resolutions. Do they come here to ruin America? The gentlemen's advice will bring destruction upon all North America." To which John Houstoun rather impotently replied, "Where the protection of the room did not extend, I would not sit very tamely."²

¹John Adams Debates, Journal Continental Congress, Vol. I, p. 481.

²*Ibid*, Vol. I, p. 494.

Toward the end of October, Chase openly accused Zubley of carrying on a correspondence with Sir James Wright, Governor of Georgia, and revealing to him the plans of Congress and warning him of an impending rupture. This Zubley denied, but the proof was forthcoming, and he hastily left Philadelphia, leaving a letter addressed to his fellow delegates Bulloch and Houstoun. He writes:

I am setting off for Georgia greatly indisposed. You will doubtless reach home before me tho you should not depart these ten days, in case of my first Arrival I think not to make any Report to our Council of Safety till we are all present. I have left my Case with Spirits at my Lodging's (having a smaller one) which I advise you to take with you well filled if you do not mean to drink whiskey &c by the Way, it will either suit You or Mess. Habersham. Should I arrive before you I will not fail to acquaint your friends but I can only travel slow—I wish *you* a pleasant Journey.¹

All the accounts of Zubley's defection² state that John Houstoun was urged by Congress to hasten after Zubley to minimize the effect of his apostasy when he should reach home. This would seem to be an error, as it was Archibald Bulloch who left Philadelphia soon after Zubley and reached Savannah with him, they both appearing before the Council of Safety on December 19, 1775. It was not until nearly a month later, January 16, 1776, that John Houstoun attended on the Council of Safety and took his seat, and presumably this was about the time he reached Georgia.

The above incident is included in Hugh M'Call's account of Gwinnett in Sanderson's "Lives of the Signers" with the statement that Zubley was a colleague of Gwinnett. This also was an error, as the two men were not

¹This letter is in the Emmett Collection, No. 1314, New York Public Library.

²Stevens's, "History of Georgia," Vol. II, p. 119; Jones's, "History of Georgia," Vol. II, p. 203; "Biographical Sketches," p. 203.

members of Congress at the same time. Zubley was finally banished from Savannah and one half his estate confiscated. On the resumption of the royal government in Georgia, he returned and resumed the pastorate of his church, and lived there until his death in 1781.

When Congress recessed on August 2, 1775, Lyman Hall left Philadelphia, and while it is entirely a matter of surmise, in the absence of any letter or documents, it would seem that he returned to St. John Parish and devoted himself for a time to his profession. His plantation was on the main highroad from Savannah to the South, now called the Dixie Highway, and a stone marker on the west side of the road about one mile about Midway Meeting House states that his home was a few hundred yards back from the road. It was, perhaps, during this period that, through his friendship and intimacy with Gwinnett, the latter became aroused to the wrongs of the colonies and interested in aiding Georgia in the crisis which was impending. But it is not until 1776 that Gwinnett emerges from the obscurity of St. Catharines and once again mingles in the political affairs of the province.

CHAPTER VIII

A MEMBER OF THE CONTINENTAL CONGRESS

WHETHER Button Gwinnett was actually a member of the Council of Safety of Georgia on January 7 and 8, 1776, when his name is recorded as being present at one of its weekly meetings, or whether he was in Savannah to report the presence of enemy vessels of war off the coast and attending the meeting asking for assistance, is not clear. The minutes of the Council are far from complete, and there is no record of his having been elected or appointed to that body, nor does his name appear again as being present until several months later.

This particular Council of Safety consisted of sixteen members, appointed by the Provincial Congress before its adjournment on December 11th preceding. At these meetings which Gwinnett attended, Stephen Drayton, who will be remembered as soundly denouncing the former's business methods and honesty, was appointed a lieutenant colonel of the militia. Drayton had become an important personage in the public life of the province and generally active in revolutionary affairs. As they sat together on the council, the name of one following the other, there is no evidence of the continuance of their previous disagreement.

Probably as a result of Gwinnett's representations made to the Council, orders were sent immediately to the Committee of the Parish of St. John requiring that they

use the utmost vigilance in watching the pilots of the port of Sunbury. Captain William Lyford was to be particularly questioned as to his piloting into any port of the province any ship or man-of-war of the enemy, and steps were to be taken against him if it appeared he was an enemy of the province. Reports were also received that vessels of war were approaching the coast, and Gwinnett undoubtedly hurried home to protect his family and property in their exposed position on the extreme frontier of danger. Bands of marauders, harbouring in near-by East Florida, had already made incursions into the province, and the seacoast islands were particularly tempting and defenseless. Overrun with cattle, as was St. Catharines, it offered a source of supply of fresh meat for British war vessels, and already there were complaints of Negroes being carried off from the sea-island plantations.

On January 20, 1776, the second Provincial Congress assembled at Savannah, and Archibald Bulloch, back but a month from his attendance at the Continental Congress in Philadelphia, was elected President and Commander-in-Chief of Georgia. Two weeks later, on February 2, 1776, John Houstoun, Archibald Bulloch, Lyman Hall, Button Gwinnett, and George Walton were elected, in the order given, delegates to the Continental Congress. That Georgia might be represented, it was recommended that three of them proceed with all dispatch to Philadelphia. Three were to constitute a quorum, but in case of sickness, or other disability, one delegate was competent to represent the province. The term of office was for nine months only.¹ By way of instructions, President Bulloch issued a circular letter addressed to each of the five dele-

¹"Journals of the Continental Congress," May 20, 1776, Vol. IV, p. 367, where the credentials signed by Edward Langworthy, Secretary, are given in full.

gates, of which the following is that received by Dr. Lyman Hall "at his plantation, St. John."¹

To Archibald Bulloch, John Houstoun, Lyman Hall, Button Gwinnett, and George Walton, Esquires, or to such of them, who shall repair to and join the Congress at Philadelphia.

GENTLEMEN:—

Our remote Situation from both the Seat of Power and Arms, keep us so very ignorant of the Counsels and ultimate designs of the Congress, and of the Transactions in the Field, that we shall decline giving you any particular instructions, other than strongly to recommend it to you, that you never lose sight of the peculiar situation in the Province you are appointed to represent. The Indians both South and North-westardly upon our backs, the fortified town of Saint Augustine made a continual Rendezvous for soldiers in our very Neighborhood, together with our blacks and tories with us. Let these weighty truths be the powerful Arguments for support. At the same time, we also recommend it to you, always to keep in view the general Utility, remembering that the Great and Righteous Cause in which we are engaged is not Provincial but Continental.

We therefore, Gentlemen, shall rely upon your Patriotism, Abilities, Firmness and Integrity, to propose, join and concur in all such measures as you shall think calculated for the common good, and to oppose such as shall appear destructive.

By Order of the Congress,

ARCHD BULLOCH, *President*,

Savannah, 5th April, 1776.

Had there been any doubt of Gwinnett's devotion to the cause of the colonies during the preceding years, it was now past, and the election of a delegate who had played no open or active part in carrying the province into the Continental Association has been given as one of the causes of arousing against him a feeling of jealousy and resentment on the part of a powerful faction in the province. Of the five men elected delegates, Houstoun and Bulloch

¹The home has entirely disappeared. Lyman Hall owned two lots and probably maintained a home in the town of Sunbury as well.

had already served. George Walton, as an active young attorney, had coöperated with them in every previous movement to further the revolutionary cause, while Dr. Lyman Hall was the very embodiment of the patriotic feeling that animated St. John, the most forward of the parishes. Gwinnett, a new man, was now included in this galaxy of leaders, all of whom except himself had from the first actively opposed the royal authority in the province.

Gwinnett had been an active candidate for command of the Georgia battalion of eight companies which the Continental Congress had authorized, and he had practically been selected for the command.¹ Samuel Elbert, a sturdy and popular merchant of Savannah, who had received some military training, was also an aspirant for the colonelcy. Apparently, there was considerable opposition to Gwinnett, and in the interest of harmony it was agreed that both he and Elbert should withdraw. Lachlan McIntosh was selected colonel as a compromise, and Elbert was made lieutenant colonel, while Button Gwinnett was agreed upon as a delegate to the Continental Congress. Dr. Lyman Hall's friendship and influence were important factors in his selection, as well as the confidence now reposed in his patriotism and a realization of his abilities. Georgia had had one experience with a weak-kneed representative in Congress and undoubtedly was taking no chances with another of the same kind.

The arrival of five British ships of war off the coast, followed by an attack on Savannah early in March, and the generally swift movement of revolutionary events in the province, delayed the departure of delegates who had been appointed in February and had been especially urged to proceed to Philadelphia without delay. It was not

¹Major Joseph Habersham to William Drayton in Gibbs's "Documentary History of the Revolution."

until Monday, May 20, 1776, fully five months after their appointment, that Lyman Hall and Button Gwinnett reached Philadelphia, produced their credentials, and took their seats in the Continental Congress. Their first act was to sign the so-called "Secret Pact." The discovery that Doctor Zubley, despite the resolution requiring absolute secrecy which had been adopted at the opening of the Congress, had been divulging its transactions, is thought to have been the reason for the preparation of this more binding and personal pledge. On November 9, 1775, a formal paper was drawn up as follows:

Resolved. That every member of this Congress consider himself under the ties of virtue, honor & love of his Country not to Divulge directly or indirectly any matter or thing agitated or debated in Congress before the same shall have been determined without leave of the Congress; nor any matter or thing determined in Congress which a majority of the Congress shall order to be kept secret, and that if any member shall violate this agreement he shall be expelled this Congress & deemed an enemy to the liberties of America & liable to be treated as such and that every member signify his consent to this agreement by signing the same.¹

The delegates then in Congress signed by provinces in geographical order, except that John Hancock headed the list. Archibald Bulloch's and John Houstoun's names appear in their proper order for Georgia, but the Rev. John Joachim Zubley had apparently flown by November 9, 1775, as his name is absent. As new members took their seats, they subscribed their names, one following another, most of them without signifying the date, but Hall's and Gwinnett's names were joined with a bracket and "May

¹This document is in the Library of Congress. The original copy was signed by eighty-seven men, of which number, fifty later signed the Declaration of Independence. Later, Charles Thomson, Secretary of Congress, made a new copy (June 28, 1777), including in it the names of all previous signers. For an account of this interesting document see an article by J. C. Fitzpatrick in the *American Historical Review*, Vol. XXVIII p. 489.

20" added. The new arrivals were immediately launched in a stormy sea over which the winds of independency were blowing with increasing strength.

The radical or popular party in the Continental Congress had, on May 15th, succeeded in passing a preamble and resolution calling upon the colonies which had not already done so to form such state governments as would best secure the happiness and safety of their inhabitants and of America in general. The preamble with its "whereases," which recited the wrongs inflicted on the colonies and the reasons for the action of Congress, was five times as long as the resolution itself, which had been ready for Congress on May 10th, but it had taken five days more to whip the preamble into shape. In Congress and out, among those who passed it and the strong party that was opposed, this step was clearly recognized as another distinct advance toward independence. John Adams pronounced it "the most important measure that ever was taken in America." The air was surcharged. After this triumph, an immediate formal declaration of independence was the object of the New England and Virginia delegates, so that the arrival of the Georgia men, whose sentiments were well known, was hailed with delight by these leaders. Dr. Lyman Hall was by birth a Connecticut man, a particular friend of Roger Sherman, and into this circle of militant revolutionists Button Gwinnett was introduced. At a later period, delegates, with opposite views, complained bitterly of the close connection between Georgia and Connecticut. "Georgia always votes with Connecticut," Thomas Burke, a North Carolina delegate, wrote; and again, "Georgia was no use in Congress but to vote with Connecticut."¹

¹Thomas Burke to Richard Caswell. "Letters of Members of the Continental Congress," Vol. II, p. 371.

John Adams confirms the date of the arrival of the Georgia delegates. With a great use of capital letters, which might be the measure of his satisfaction, he says, regarding the resolutions just passed, and writing on May 20th:¹ "Every Post and every Day Rolls in upon Us Independence like a Torrent. The Delegates from Georgia Made their appearance this day in Congress with unlimited powers, and these gentlemen are very firm." In later years, when writing his autobiography, he says that Hall and Gwinnett were both intelligent and spirited men, "who made a powerful addition to our Phalanx."²

Four days after the arrival of the Georgia men, General Washington appeared before Congress for a conference. He remained in and near Philadelphia for more than a week conferring with a committee, on which Dr. Lyman Hall represented the province of Georgia, appointed to construct with him and Generals Gates and Mifflin, a plan of military operations for the coming campaign. At the same time, a delegation from the Six Nations of Indians was in town to have an audience with Congress. In order duly to impress the savages, the regular troops stationed in the city, and all the city militia, were reviewed by Congress on the morning of the conference.

Gwinnett's first appointment for committee work came on June 5th, when he was made a member of a committee to consider ways and means of establishing expresses between the several Continental ports. If this committee made a formal report, it does not appear in the journals. On the following day, a number of important letters and communications were received by Congress from Major General Schuyler, from the commissioners in

¹Letter John Adams to James Warren, May 20, 1776. "Letters of Members of the Continental Congress," Vol. I, p. 460.

²John Adams's Autobiography, Vol. II, p. 49.

Canada, from Generals Thomas, Benedict Arnold, and Thompson. These were referred to a special committee of five members: Roger Sherman, George Wythe, Jonathan D. Sergeant, Francis Lightfoot Lee, and Button Gwinnett. On later dates, still other letters from General Washington and the Canadian commissioners were turned over to this special committee. Much time was occupied by the committee working over the letters and reports, and several days were spent in debating in the Committee of the Whole House the various actions that should be taken in connection with them.

It was on June 7th that Richard Henry Lee introduced "certain resolutions respecting independency," which John Adams hastened to second.

Resolved, that these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

That it is expedient forthwith to take the most effectual measures for forming foreign Alliances.

That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.

These resolutions, for there are three distinct subjects covered in the one resolution, were debated by Congress in the Committee of the Whole House, and by a vote of colonies, seven to five, it was agreed to postpone final action on the first resolution until July 1st.

A committee was to prepare and digest the form of a confederation and another to consider treaties of alliances with foreign powers. These committees were appointed June 12th. That on the Articles of Confederation consisted of a member from each colony, and to this Button Gwinnett was appointed. The committee, working diligently on this weighty subject, consumed a month in its

deliberations, at the end of which time they produced a draft which was presented to Congress and read. The report was the subject of almost daily debates until long after Gwinnett had left Congress, and the articles, with many changes, were not adopted until more than a year had passed and Gwinnett was in his grave. What part he may have taken in framing the articles, there is now no way of telling. As we shall see, he was later active in preparing a new constitution for the state of Georgia, and his experience on this important and hard-working committee undoubtedly was of value to him.

On June 15th, at the solicitation of the Georgia delegates, a special committee of three—Stephen Hopkins, Benjamin Harrison, and Samuel Adams—was selected to take into consideration the state of Georgia. This committee reported on July 5th, recommending that two additional Continental battalions be raised for the defense of that colony, that blank commissions for the officers be sent to the convention of Georgia, to be filled up with officers of its selection. North and South Carolina were asked to permit the raising of troops for these Georgia battalions within their borders, if necessary. Four galleys were to be built at the expense of the United States by the Congress of Georgia, and two forts were to be constructed, one at Savannah and the other at Sunbury. Two companies of artillery were to be raised to man these forts. A few days later, Congress appropriated \$60,000 in favour of the delegates from Georgia for the use of the Continental battalions.

The exact date of the arrival of George Walton, the third delegate from Georgia, is not known, but it is certain it was after Hall and Gwinnett had secured the important action of Congress in regard to the two additional battalions to be raised for the province. There is reason to

believe Colonel Walton arrived on June 29th, but the journals of Congress make no mention of him until July 17th. His signature to the secret pact immediately follows that of Abraham Clark of New Jersey, and the latter is thought to have signed on July 1, 1776. On the other hand, as partial evidence that George Walton did not arrive until July 1st, or after, John Adams, writing a friendly letter to Archibald Bulloch, makes no mention of him.¹ He says:

Your colleagues Hall and Gwinnett are here in good health and spirits and as firm as you yourself could wish them. Present my compliments to Mr. Houstoun. Tell him the colonies will have republics for their government let us lawyers and your divine² say what they will.

Congress had word of a plot, on July 10th, for liberating the military prisoners in the jail in Philadelphia, and Button Gwinnett was made one of a committee of five to look into the matter and take such steps "as they shall judge proper for defeating the machinations of the conspirators."³

On July 24th, the Georgia delegates secured a passage of a resolution providing that a regiment of rangers should be raised in Georgia to serve either on horseback or on foot, as occasion might arise.

In addition to the committee assignments named above, Gwinnett was a member of the important Marine Committee, on which he served while he remained in Congress. These committee appointments, coming, as they did,

¹John Adams to Archibald Bulloch, July 1, 1776, "Letters of Members of the Continental Congress," Vol. I, p. 521.

²This was a reference to the Rev. J. J. Zubley's views on popular government as frequently expressed by him on the floor of Congress.

³The committee was appointed in the order named: Thomas Jefferson, Richard Stockton, Button Gwinnett, Robert Morris, and James Wilson. "Journals of Congress," Vol. V, p. 543.

almost immediately on his taking his seat, indicate a confidence on the part of his fellow members in his good judgment and discretion. The appointment on committees on which it was necessary to have each colony represented would signify but little, but his selection on the small and special committees must testify to the esteem in which he was held.

There are only nine words in the journals, the papers of the Continental Congress, the letters of members, or anywhere else, recording what Gwinnett said in any debate in Congress. Toward the end of July, when the debate on the Articles of Confederation was dragging on, Article XIV was under consideration. This gave to Congress the power of regulating the trade and managing the affairs of the Indians. Two of the South Carolina delegates were opposed to this because the trade was profitable, but in his "Notes of Debates"¹ John Adams records, "Gwinnett is in favour of Congress having such power." In the light of later developments in Indian affairs, this was a sensible and statesmanlike position to take. Gwinnett's colleague George Walton, who usually was at variance with the former's views, supported him in this case. Adams reports Walton at much greater length:

The Indian trade is of no essential service to any colony. It must be a monopoly. If it is free it produces jealousies and animosities and war. Carolina very passionately considers this trade as contributing to her grandeur and dignity. Deer skins are a great part of the trade. A great difference between South Carolina and Georgia, Carolina is in no danger from the Indians at present. Georgia is a frontier and barrier to Carolina. Georgia must be overrun and extirpated before Carolina can be hurt. Georgia is not equal to the expense of giving donations to the Indians, which will be necessary to keep them at peace. The emoluments of the trade are not a compensation for the expense of donations.

¹"Journals of the Continental Congress," Ford Edition, Vol. VI, p. 1077.

The Georgia debaters were not successful in their contention, and the article was modified.

Button Gwinnett's service in the Continental Congress covered a period of a little more than ten weeks. It was a time of intense activity and interest. Congress usually met at 9 A. M. and continued well on into the evening. "I have sat sometimes from six in the morning to five and six in the afternoon without eating or drinking," writes Joseph Hewes of a strenuous day during this month of July. There were committee meetings before Congress assembled in the morning, and the evenings were filled with them. "I have not time to write"; "I can only take a moment to write," are characteristic introductions to the letters of that period from the members to their constituents and families. "We have so many irons in the fire I fear some of them will burn" was the homely way one delegate wrote of the pressure of public affairs during June and July of 1776.

CHAPTER IX

SIGNING THE DECLARATION OF INDEPENDENCE

THE one outstanding act of Gwinnett's public life was his working and voting for and signing of the Declaration of Independence. It was this which has made his name a national one and set him apart from a score of active and patriotic Georgians, whose fame to-day does not extend beyond the borders of their state.

Of the Declaration of Independence, there is nothing new to say. John H. Hazelton, a member of the New York bar, has given its history¹ from the first faint rumblings of independency to the first anniversary of its adoption. His monumental book of more than six hundred pages has more than half of it taken up with illuminating notes and valuable addenda. It is only Button Gwinnett's connection with the greatest event of July, 1776, that justifies this chapter.

On June 7, 1776, Richard Henry Lee introduced and moved the adoption of the three-part resolution,² the first paragraph of which called for independence. These resolutions were debated June 8th, 9th, and 11th, the 10th being Sunday. As the people of the middle colonies were "not yet ripe for bidding adieu to British Connection," as Jefferson expressed it, the friends of the movement secured a postponement of the vote in order to give time for the crystallization of public opinion. We get an inkling of

¹"The Declaration of Independence—Its History," by John H. Hazelton, New York, 1906. Mr. Hazelton is at work on a companion volume covering the Constitution of the United States.

²See page 76 in the previous chapter.

the part the two men from Georgia took in this three-days' debate in a letter from Edward Rutledge to John Jay. It is the only reference found either in the Journals of Congress, or in available contemporary letters, which mentions Georgia's share in the proceedings.

In the evening (of the eighth), following the debate, he writes:

The Congress sat till 7 o'clock this evening in consequence of a motion of R. H. Lee's rendering ourselves free & independent State. The sensible part of the House opposed the Motion—They had no objection to forming a Scheme of a Treaty which they would send to France by proper Persons & uniting this Continent by a Confederacy; they saw no Wisdom in a Declaration of Independence, nor any other Purpose to be enforced by it, but placing ourselves in the Power of those with whom we mean to treat, giving our Enemy Notice of our Intentions before we had taken any steps to execute them. . . . The event, however, was that the Question was postponed; it is to be renewed on Monday when I mean to move that it should be postponed for 3 Weeks or Months. In the mean Time the plan of Confederation & the Scheme of Treaty may go on. I don't know whether I shall succeed in this Motion; I think not, it is at least Doubtful. However I must do what is right in my own Eyes, & Consequences must take Care of themselves. I wish you had been here—the whole Argument was sustained on one side by R. Livingston, Wilson, Dickenson, & myself, & by the Power of all N. England, Virginia & *Georgia* at the other.

From the more active part that Gwinnett had taken on the committees of Congress, from his record as a member of the Assembly of Georgia, and from his later prominence when a member of the Georgia Constitutional Convention, we can only surmise that it was he and not Hall who supplied the "power" and eloquence of the Georgia delegation in the great debate.

It was on June 11th that it was agreed the vote on independence should be postponed three weeks to July 1st, as Rutledge and other opponents of the measure desired, but in order to save time, in case Congress should act favour-

ably, a committee of five was appointed to draft the formal Declaration. On this committee were Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston.

While Jefferson was working away on the draft of the Declaration between the sessions of Congress, the middle colonies were holding conventions and appointing, or instructing, delegates who more clearly reflected the changing temper of the people. John Adams truly said that the middle colonies had not felt the smart of invasion and war and were consequently not so hot in their feelings. A strong body of men in Congress were actively opposed to any declaration, while the hands of others who were favourably inclined were tied by previous instructions of their assemblies to do all they could to avert an open rupture with the mother country. On June 11th, the New Hampshire House of Representatives instructed their delegates in Congress "to join with the other colonies in declaring the thirteen United States a Free and Independent State," and three days later Delaware took the same position. On June 22d, New Jersey appointed five entirely new delegates, all of those serving up to that time being either opposed or lukewarm toward separation, and on the twenty-eighth of the same month, the Maryland convention removed the restrictions it had placed on its delegates and empowered them to concur with the United Colonies. Pennsylvania was still uncertain, and New York did not commit itself until after the vote had been taken.

Let us quote from John Rutledge again, who, in another letter to his friend Jay, on June 29th, shows the trend of events and his own opposition to the resolution:

I write this for the express Purpose of requesting that if possible you will give your attendance in Congress on Monday next . . . I

am sincerely convinced that [your presence] will be absolutely necessary in this City during the whole of the ensuing Week.—Declaration of Independence, the Form of a Confederation of those Colonies, and a Scheme for a treaty with foreign Powers will be laid before the House on Monday. Whether we shall be able effectually to oppose the first will depend in a great measure upon the exertions of the sensible part of the Members. I trust you will contribute in a considerable degree to effect the Business and therefore I wish you to be with us. Recollect the manner in which your Colony is at this time represented. Clinton has Abilities but is silent in general and wants (when he does speak) that Influence to which he is entitled. Floyd, Wisner, Lewis and Alsop tho' good men, never quit their chairs. You must know the Importance of these Questions too well not to wish to [be] present whilst they are debating and therefore I shall say no more upon the Subject. . . . If you can't come let me hear from you by the Return of the Post.

The letters from the delegates to their correspondents, or assemblies, and the extracts from the press of the country show the increasing interest or anxiety over the vote which was to be taken July 1st. This feeling is well shown in an excerpt from a letter from William Whipple of New Hampshire:

The middle colonies are getting in a good way. Next Monday being the 1st of July the grand question is to be debated and I believe determined unanimously. May God unite our hearts in all things that tend to the welfare of the rising empire.

The draft of the Declaration was presented to Congress on June 28th. It was ordered to lie on the table. The resolution was taken up on July 1st in Committee of the Whole House, debated, and carried by nine colonies. Pennsylvania and South Carolina opposed it and Delaware was divided. At the request of Edward Rutledge, the formal vote of Congress was postponed until the next day. Of the exhausting nine-hour debate on July 1st, there is no record.

On July 2d the vote was taken by Congress. Cæsar

Rodney galloped up from Dover through the storm and mud, to break the tie that had existed in the Delaware delegation, M'Kean being for the resolution and Read opposed. Rutledge yielded, brought the South Carolina men to one mind, and the colony voted "Aye." John Morton of Pennsylvania made up his mind to vote with Franklin and Wilson for the resolution, thus making a favourable majority of the five Pennsylvania delegates present on that day. This responsibility is said to have weighed so on him that it later undermined his health, and he was the first of the immortal fifty-six to pass away.¹ New York did not vote, although individually her members were favourable. Thus twelve colonies cast their assenting votes. July 2d, not July 4th, was the day on which the American colonies declared their independence. John Adams's oft-quoted letter, written on July 3d, to Mrs. Adams, shows the great weight that was off his mind and his thought that July 2d would be the day which in the years to come would be observed as the anniversary:

Yesterday the greatest Question was decided, which ever was debated in America, and a greater, perhaps, never was or will be decided among Men. A Resolution was passed without one dissenting Colony, that these united Colonies "are, and of right ought to be free and independent States. . . ." You will see in a few days a Declaration setting forth the Causes, which have impell'd Us to this mighty Revolution, and the Reasons which will justify it, in the Sight of God and Man . . . Britain has been fill'd with Folly, and America with Wisdom. . . . Had the Declaration of Independence been made seven Months ago, it would have been attended with many great and glorious Effects. . . . We might before this Hour, have formed Alliances with foreign States.—We should have mastered Quebec and been in Possession of Canada. . . . But on the other Hand, the delay of this Declaration to this Time, has many great Advantages attending it—The hopes of Reconciliation, which were fondly entertained by Multitudes of honest and well-meaning tho weak and mistaken People, have been gradually and

¹April, 1777. His neglected monument is in St. James Churchyard at Chester, Pa.

at last totally extinguished.—Time has been given for the whole People, maturely to consider, the great Question of Independence and to ripen their Judgment, dissipate their Fears and allure their Hopes, by discussing it in News Papers and Pamphlets, by debating it, in Assemblies, Conventions, Committees of Safety and Inspection in Town and County Meetings, as well as in private Conversations so that the whole People in every Colony of the 13 have now adopted it, as their own Act. This will cement the Union, and avoid those Heats and perhaps Convulsions which might have been occasioned, by such a Declaration six Months ago.—But the Day is passed—The second Day of July 1776, will be the most memorable Epoca, in the History of America.—I am apt to believe that it will be celebrated, by succeeding Generations, as the great anniversary Festival. It ought to be commemorated, as the Day of Deliverance by solemn Acts of Devotion to God Almighty. It ought to be solemnized with Pomp and Parade with Shows, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more. You will think me transported with Enthusiasm but I am not—I am well aware of the Toil and Blood and Treasure, that it will cost us to maintain this Declaration, and support and defend these States—Yet through all the Gloom I can see the Rays of ravishing Light and Glory. I can see that the End is more than worth all the Means. And that Posterity will triumph in that Days Transactions, even altho We should rue it, which I trust in God We shall not.¹—

Again, on the third and fourth of July, Congress resolved itself into a Committee of the Whole House to give further consideration to the form and wording of the Declaration. Passages which conveyed harsh censures on the people of England were struck out. The clause in the original document condemning the continued importation of slaves was eliminated by the insistence of Georgia and South Carolina, who still wished to continue the practise. "Our northern brethren," Jefferson records, "felt a little tender under these censures for tho' their people have very few slaves themselves, yet they had been pretty considerable carriers of them to them."

On July 4th the members gathered at 9 o'clock.

¹"Familiar Letters," p. 190. Works, IX, p. 417.

Agreeable to the order of the day the Congress resolved itself into a Committee of the Whole House to take into further consideration the Declaration.

The president (John Hancock) resumed the chair. Mr. Harrison reported the Committee of the Whole Congress have agreed to a Declaration which he delivered in

The Declaration being again read was agreed to as follows:

It was ordered that it be authenticated and printed and a committee was appointed to prepare it for the press. Copies were directed sent to the several assemblies, conventions and committees or councils of safety and the several commanders of the Continental troops that it be proclaimed in each of the United States and at the head of the army.¹

It was the form and substance of the Declaration which was determined on July 4th—the act of separation and independence was decided two days before.

It was toward evening of July 4th that the debate was concluded and the Declaration agreed to by the House. Jefferson affirms that every member present then came forward and signed a copy of the Declaration written *on paper*. No copy of this has ever been found, and there is no copy of the Declaration with the signatures of the members known to history, except the parchment copy now on exhibition in the Library of Congress at Washington. On July 19th, Congress resolved that the Declaration passed on the fourth be engrossed “on parchment with the title and stile of ‘The Unanimous Declaration of the 13 United States of America’ and the same when engrossed signed by every member of Congress.” This was presented to Congress on August 2, 1776, and on that day the journals say “The Declaration of Independence being engrossed and compared at the table was signed by the members.”

We do not know when it was that Button Gwinnett decided to leave Congress and return to Georgia. A later

¹“Journals of the Continental Congress,” Ford Edition, Vol. V, p. 510.

chapter will disclose his reason for doing so. Nor do we know the hour he left Philadelphia. It is possible he deferred his departure a few days, awaiting the opportunity to affix his name to the Declaration. Apparently, he was not present in Congress on August 1st, for on that day a vote being taken, Georgia was divided in sentiment, showing that two delegates only were in attendance, and these might well have been Hall and Walton, whose diverging opinions were deep seated. It may have been that Gwinnett was completing his arrangements for his departure, and that early on August 2d he affixed his name, the first of the three Georgia signers, at the head of the sixth column to the left, which Georgia fills alone.

It is well that Gwinnett remained to enroll his name on this, the best-known and nearest to the American heart of all our state papers. Several members who were entitled to sign missed an undying fame by neglecting to do so. "In Congress, July 4, 1776. The Unanimous Declaration of the Thirteen United States of America," is the bold heading of the parchment copy. In all, nineteen men were members of Congress that day who could have signed had the Declaration been ready to sign on July 4th, and had they been present and willing to affix their names.¹ Even Robert R. Livingston, one of the committee of five to draft the Declaration, returned to New York some time in July and did not return to sign. On the other hand, seven signers were not members of Congress on July 4th. Charles Carroll of Carrollton was elected that day; George

¹These were John Rogers of Maryland, present July 4th but replaced that day by the Maryland convention; Henry Wisner, Robert R. Livingston, John Alsop (resigned July 16th) and George Clinton of New York, all present July 4th but absent August 2d; Titus Hosmer, of Connecticut; Robert Alexander, Thomas Johnson, Jr., and Matthew Tilghman of Maryland; James Duane and John Jay of New York; John Rutledge of South Carolina; and Archibald Bulloch and John Houstoun of Georgia were not in attendance July 4th. Charles Humphreys and Thomas Willing of Pennsylvania were present July 4th but replaced July 20th; John Dickinson, Andrew Allen, and Edward Biddle of Pennsylvania not present July 4th, replaced July 20th.

Clymer, George Ross, George Taylor, Benjamin Rush, and James Smith of Pennsylvania were elected on July 20th; while Matthew Thornton of New Hampshire, made a delegate on September 12th, did not sign until November 4th, or later. By that time, the column given to the New England delegates was full, so Thornton's name is tucked away down in the southeast corner. William Williams of Connecticut, although he had been a member since October 20, 1775, did not enter Congress until July 30, 1776, but in good time to subscribe his name. While the delegates present signed on August 2d, a number were away visiting their families, recovering their health, or on public business, and the signing continued throughout the early fall, as they returned. As instances, Thomas M'Kean signed "sometime in 1776"; Oliver Wolcott sometime after October 1, 1776; Elbridge Gerry sometime in September, and George Wythe "about September 4." All of which goes to show how far the generally accepted conception of the signing is astray.

Trumbull's famous painting of the signing of the Declaration of Independence now hanging in the Capitol at Washington has much to do with the popular idea that on July 4th the members of Congress, with great formality and unanimity, affixed their fifty-six names. John Hancock is seated in the president's chair; by his side, Charles Thomson, the perpetual secretary, is standing. Grouped in front is the committee which prepared the Declaration and is here presenting the finished document to Congress. A dozen or more members are standing about, the rest seated. At the back is Stephen Hopkins, standing, in spite of the fact that he was afflicted with palsy, his hat on his head to indicate his Quaker affiliations. Forty-seven members and the secretary are there. Trumbull went to great trouble with his picture, but he has included four

members who were not signers. Thirty-eight of the portraits were painted from life, nine were copied from other likenesses, and one was painted from description. George Walton of Georgia is shown, but neither Lyman Hall nor Button Gwinnett is there.

There is frequent mention in the records of the day of the cost to the various colonies of their delegates in Congress. Some members excused their absence as a desire on their part to avoid piling up expense for their colony. At this time, Pennsylvania delegates received 20 shillings a day. Virginia paid its representatives 30 shillings, while New York's delegates received \$4 per diem. Maryland's pay was in "common money," on which a delegate received £12 10s. a week "and no more from the day they leave home until their return."¹ Many of the bills to the states for the attendance of their delegates are still in existence, but for Button Gwinnett, or any other of the Georgia delegates, none has been found.

It was a rule of Congress that no member of Congress could absent himself without permission of the House or in answer to a summons from his constituents. Gwinnett, having obtained this, set out, presumably on August 2d, on his long ride back to Georgia. It took a month to make the journey on horseback from Philadelphia to Savannah. Georgia was farther removed from Philadelphia, if measured by time, than China or Russia is today. There are numerous instances of important documents taking six weeks or more to reach the Georgia authorities from the Continental Congress. When the sea was safe, the journey was made in a third of the time, fair voyages of eight days having been reported.

News of the passage of the Declaration, speeding along

¹Force's "American Archives," Fifth Series, Vol. III, p. 118. The date of the above resolution was October 8, 1776.

ahead of Gwinnett, did not reach Savannah until August 8th.¹ On that day, John Hancock's covering letter and a copy of the memorable document arrived, and President Bulloch hastened to read it to the Provincial Council. On the Saturday following, it was again read to the crowd gathered in the public square in front of the Assembly house. Salutes were fired, a parade was formed which marched to the Liberty Pole, when the Declaration was read for the third time. Again the concourse moved on to the Battery, where a salute was fired from the siege guns and the Declaration once more read. In the evening, the town was illuminated, a monster funeral procession was formed, headed by the military with muffled drums, and George III was interred in effigy, and an appropriate burial service was read with due solemnity. The Declaration was received with joy throughout all the parishes of Georgia, but nowhere with greater approval than in St. John Parish, the home of Hall and Gwinnett.

¹Minutes Council of Safety.

CHAPTER X

SPEAKER OF THE GEORGIA ASSEMBLY

CARTER BRAXTON'S term of office as a member of the Continental Congress was to expire August 11, 1776—Virginia, having reduced her delegates from seven to five, dropped Braxton and Harrison. He and Gwinnett, having signed the Declaration as soon as the engrossed copy was made ready, are thought to have left Philadelphia together. They would have fully a week's companionship, as they rode southward, until Braxton reached his Virginia home on the banks of the Mattaponi River in King and Queen County, with abundant opportunity to talk over the stirring events of the past three months. Neither of them was to return to Congress, and financial misfortunes, through which Gwinnett had already passed, were later to overwhelm and break the heart of the still rich and prosperous Virginia planter and gentleman.

By August 17th, Gwinnett had reached Halifax, the temporary capital of North Carolina. The news he brought of the world's events was gratefully received by Thomas Jones, who has already been mentioned as the Welshman who recognized a fellow descendant of the Cymri in the returning delegate. Gwinnett brought Jones the following bagful of information:

That an "elegant" pamphlet written by the justly celebrated Dr. Price¹ on the present interesting and very important times is having a very extraordinary effect on the minds of the people, it being

¹"Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War in America," by Richard Price, D. D., F. R. S., London, 1776.

industriously spread throughout the whole British kingdom. The City of London, at a very full meeting, returned Dr. Price their thanks in great pomp and form, and the freedom of that city was presented him in a gold box, much to the mortification of the ministry. As this piece is calculated to undeceive the ignorant, by the strength of its argument, and plainness of its style, it had the desired effect—the whole country was immediately in an uproar. It was generally believed no Hessian troops would be sent out, and that they are in daily expectation of a formidable army being landed from France, and that a revolution was expected. This may be depended upon [Gwinnett continued], that there is not a complete regiment in the kingdom, and they have sent out to America the whole of their artillery. We have an army at Ticonderoga of 12,000 men, under the command of General Gates, to receive Master Burgoyne; five armed schooners of ours are constantly cruising in the lake and 300 men from New York and Philadelphia are building many galleys there; General Lee has marched from Charleston with 1,500 men to join Colonel Bull at Port Royal, 60 miles to the southward of Charleston, then instantly to attack 1,500 of Clinton's army, who are landed and entrenched near that place.

All these interesting morsels Jones at once passed on to his friend James Iredell at his home at Edenton, N. C.¹

Gwinnett had plenty of time for contemplation as he ploughed through the sandy roads on his way southward. The distance by road is something over eight hundred miles, and a month was usually consumed in making the trip. On August 30th Gwinnett reached Savannah and appeared before the Council of Safety. He delivered to them dispatches from Congress in the form of a great sheaf of resolutions, all to do with the business of raising troops and their pay, the building of forts, the bounties for enlistments, blank commissions for the officers of the Continental battalions Congress had authorized; and it is likely he carried with him a portion of the funds granted for their support, as the Journals of Congress speak of £20,000 which they had given him.²

¹"Life and Correspondence of James Iredell," by James McRae.

²"Journals of Continental Congress," Vol. VII, p. 92.

Let us for a moment leave him conferring with his friends and acquaintances of the Council of Safety, to consider the reasons for his quitting Congress and returning to Georgia. When the first Continental battalion, which was to become the First Regiment of Georgia, had been authorized in November of 1775, commissions signed in blank for the officers had been forwarded to be filled in by the Council of Safety or the Provincial Congress. The appointment of the field officers had been made by the Provincial Congress, and Gwinnett had coveted the position of colonel. A compromise¹ was finally effected by appointing Lachlan McIntosh colonel and making Samuel Elbert lieutenant colonel, while Joseph Habersham was appointed major. The organization of the battalion was effected in January, 1776. Hall and Gwinnett had secured from Congress the authorization for two more Continental regiments in the state, two companies of artillery and a regiment of rangers. This would mean the formation of a Georgia brigade and the appointment of another brigadier general, and on this post Gwinnett had set his heart. It was a perfectly proper and reasonable ambition. Scores of colonels and brigadiers, without any previous military training, had been appointed from business or professional life to important commands, and why should he not win renown at the head of the Georgia brigade? General Henry Knox, the bookseller of Boston, was an outstanding example—the “bookbinder,” he was slightly called. Congress considered it important that the new officers should be men of honour and known abilities without any particular regard to their having had previous military service. Then, too, the rank and file preferred to serve under officers from their own state whom they knew and respected as leaders. A strong party in the state was

¹Letter from Joseph Clay to Henry Laurens. “Letters of Joseph Clay,” p. 46.



Button Gwinnett's Sister, Emilia

This is the only known likeness of a member of the Gwinnett family. From the original in the possession of the author.

back of Gwinnett and his service in the Continental Congress, where the appointment would be made, would undoubtedly entitle him to favourable consideration by his late associates.

Undoubtedly, another important object of Gwinnett's return to Georgia was to carry into effect the instructions of the Continental Congress that strong state governments should be established where they had not already been set up. With his experience on the committee of the Continental Congress to prepare the Articles of Confederation, his presence and advice would be of the greatest assistance in shaping the form and substance of the new government. His early return was sensed with some alarm by those who would be most affected by it. Lieutenant Colonel Elbert assured President Bulloch that Gwinnett had returned to oust the latter from the presidency of the state. Bulloch retorted that it was Elbert's job that Gwinnett was after, while John Wereat, the agent of Congress in the state, thought that Gwinnett was after the colonelcy of the Second Regiment, which was to be raised immediately.¹

But, in the Continental Congress, George Walton and the South Carolina members were deciding on the officers for the new Southern brigade. Walton was at that time a great friend of Colonel Lachlan McIntosh, and on September 16, 1776, the latter and Christopher Gadsden, Esq., and William Moultrie, Esq., were on ballot duly chosen brigadier generals.² If Gwinnett had hoped his membership in Congress and his consequent acquaintance with the members, and the presence of Dr. Lyman Hall in Congress, would have brought him the appointment, he was

¹Letter of Samuel Elbert to Lachlan McIntosh, September 23, 1776, in Historical Society of Pennsylvania.

²"Journals of Continental Congress," Vol. V, p. 761.

sadly mistaken, and there is every reason to believe he was greatly disappointed and mortified in not receiving the appointment.

He had returned to Georgia at a stirring time. A committee had been sent to General Charles Lee in Charleston, who was in command of the Southern Department, at the direction of the Council of Safety, to solicit his interest in the defense of Georgia. The numerous depredations along the frontiers by the lawless bands from East Florida, the devastation wrought by the privateers along the coast, the presence of British troops in St. Augustine, the place of refuge of great numbers of loyalists from all the Southern states, the proximity of hostile Indian tribes were the weighty reasons given for a campaign to extend beyond the St. Mary's River. General Lee at once resolved upon the expedition. August 6, 1776, he had dispatched to Savannah 460 men, drawn from various regiments at Charleston. On August 18th, the troops were reviewed on the green by General Lee and these, with later arrivals, were marched on toward Sunbury. But the expedition was hastily planned, imperfectly provisioned and equipped. It was moved forward in the hottest and most unhealthful season of the year and sickness generally prevailed. There was scarcely an officer of the South Carolina troops who was not incapacitated by illness, and an average of fifteen men a day were being buried at Sunbury. Just at the time Gwinnett was arriving, General Lee was ordered north, and he departed, directing the Virginia and North Carolina troops to follow him. The command then devolved upon Colonel William Moultrie, who declined to proceed unless he was furnished with 800 men and proper supplies. These were not forthcoming, and the expedition was abandoned, to the great regret of the Georgians, as the

fiasco gave encouragement to the enemy and induced many to join them who had heretofore been inactive.

In the course of the campaign, General Lee had sent a letter to the Council of Safety urging that all the livestock be removed from the sea islands. The following day, which was the day before Gwinnett's arrival in Savannah, the Council decided it was necessary for the safety of the province that all cattle on the island should be removed to the mainland or destroyed. The commissaries of the several battalions were directed to supply the troops with meat entirely from the islands, and the owners were ordered to move the cattle to the mainland by November 1st, or they would be destroyed at the loss of the owners.¹ Gwinnett thus arrived at home just as the last remnant of any cattle and livestock which may have remained on St. Catherines was to be destroyed.

The defense of the seacoast islands had received consideration by General Robert Howe, who succeeded General Lee, and he had several times urged the removal of all personal property therefrom. He writes Governor Bulloch² the second time on the importance of Georgia's exerting herself, and referring to the sea islands, says:

The idea of defending the islands upon the Sea Board is too absurd for anybody but a mad man to entertain, the vast stocks upon them ought therefore immediately to be removed; to suffer the cattle to remain is in my opinion no better than to establish magazines of provisioning for the Enemy as whose property I should think it my duty to treat them should a likelihood of invasion happen. The knowledge I have of those islands, particularly Sappelo, St. Simons, St. Catharines, Ossabau and Skidaway, make me certain how valuable they would be to the Enemy were it only to place their Troops during the Winter in a State of refreshment, Security and plenty. I very early

¹"Revolutionary Records of Georgia," Vol. I, p. 193.

²General Robert Howe to Archibald Bulloch, President of Georgia: dated "Charles Town September 20, 1776.

remonstrated to your Excellency upon this head, it was a circumstance of Anxiety to me than so effectual nearness could be immediately taken as in the absence of your Assembly you thought yourself not invested with sufficient powers for this purpose. I now therefore take the liberty to urge as a matter of great importance that those Stocks may be removed in the most expeditious manner and as the individuals who own them cannot possibly effect it in time, I submit to you consideration whether the Publick had not better take it in hand. At any rate the Stocks ought not to remain there nor should any other property be left upon these islands that the enemy may have no temptation to visit them or receive no benefit if they do.

In accordance with the recommendations of the Continental Congress contained in its resolutions of May 15th, Governor Bulloch issued a proclamation for the election of delegates to a constitutional convention in order that a stable state government might be set up. This was to meet in Savannah the first Tuesday in October next. At the election in Savannah, early in September, occurred an unfortunate affray, indicative of the passions and high tension of party feeling in the state. The two parties were apparently about equally divided when the so-called popular party, to which Gwinnett belonged, proceeded to cast some votes by proxy, which was an unprecedented practise. Major Joseph Habersham, an officer of the Continental battalion, was working for the opposite party at the polls and was highly indignant. Governor Archibald Bulloch was absent in Sunbury at the time of the election, and when Edward Langworthy, Secretary of the Council, deposited a ballot on behalf of the absent governor, Major Habersham demanded to know if it was signed by Bulloch, but was informed he could see when the ballot was drawn out to be counted. He attended when the ballots were being drawn and demanded to see this particular one, when Lieutenant Nathaniel Hughes, an adherent of the popular party, told him he could not see it.

The Major asked Hughes what he had to do with it, telling Hughes at the same time that he was an impertinent fellow, at which Hughes seized Habersham by the throat and threw him back over a block, when Hughes fell and a sword ran through his body. This is the version of the Habersham party. Hughes's friends declare that he had laid aside his sword, that it was not drawn from the scabbard, and as Major Habersham rushed upon him with his naked sword, Hughes exclaimed, "What, draw upon a defenseless man?" In any event, Hughes was run through the stomach and died within an hour.

This unhappy affair created intense excitement. Major Habersham fled and went into hiding until he could recover from the slight injuries he had sustained and the storm of indignation should subside. On September 13th, John Wilson appeared before the Council of Safety on behalf of the widow of Lieutenant Hughes and petitioned for the arrest of Major Habersham, which the Council immediately granted, and a proclamation was ordered inserted in the next issue of the *Georgia Gazette* offering £50 reward for his arrest. The following day, John and James Habersham, brothers of Major Habersham, presented a petition to the Council asking that the reward be withdrawn and the proclamation postponed for ten days, during which time they agreed to seek their brother out and lay before him the consequence of not surrendering himself.¹ Bail was entered for Major Habersham, the grand jury returned a true bill, but when the judge saw

¹In 1795, Joseph Habersham was appointed by Washington Postmaster General of the United States. He died November 17, 1815. A note by the editor in the "Revolutionary Records of Georgia," Meeting of the Council, September 14, 1776, is as follows: "The whole career of Joseph Habersham would indicate that the charges here referred to were false and that they were instigated by political enemies. In the absence of any further reference to the matter in any of the records, it is to be presumed the charges are untrue." The account of this affray is contained in a letter from Colonel Samuel Elbert to General Lachlan McIntosh in the Collections of the Historical Society of Pennsylvania, dated September 23, 1776.

them coming and learned the nature of the case, he hastily adjourned court. Pressure was brought upon the grand jury overnight and a modified bill was presented in the morning. At the trial, the principal witness was sick, although well the day before, and another witness had left the state. Nothing came of the prosecution; Major Habersham resumed his military duties and was soon after made a colonel.

The convention for which the elections were held through the various parishes from the first to the tenth of September was to meet at Savannah the first Tuesday of October.¹ President Bulloch, in calling the convention, reminded the citizens of the state of the necessity of selecting delegates of approved patriotism and of high character, men who would be qualified by their experience and wisdom to frame a constitution for the state. It is unfortunate that, of this important convention, no minutes or records remain, nor is there a complete list of the delegates. It is known, however, that Button Gwinnett was a member,² and also that he was elected Speaker of the Assembly, while Edward Langworthy was elected Secretary. The convention continued, with some adjournments, for upward of five months, during this time taking over from the Council of Safety many of the large affairs in the conduct of the state. During this period, Gwinnett was also serving as a member of the Council of Safety.³

There is every presumption that Mrs. Gwinnett was with her husband in Savannah during the sessions of the convention. It would seem altogether unlikely that the family had remained on St. Catharines, exposed as it was

¹Jones's "History of Georgia," Volume II, p. 244.

²Joseph Clay of Savannah was also a member. See "Letters of Joseph Clay," p. 13.

³He is recorded as being present at meetings October 7, 10, 21, 22, 1776, November 5, 6, 23, 25, January 8, 9, 1777, and February 21, 22, 1777.

to the periodic raids of privateers and freebooters. Indeed, a few days after the convention assembled information was received that an attack was intended against the province and that an armed boat was on the coast committing depredations.¹ Colonel McIntosh was directed to station two boats of ten men each in St. Catharines and other inlets to watch for the enemy, and to station fifty men at Sunbury and an equal number at four other points.

The terms of the five delegates from Georgia to the Continental Congress elected February 2, 1776, for a period of nine months, were approaching an end. The convention had been in session a little more than a week when it proceeded to select a new set of delegates by ballot, and on October 9th, John Hustoun, Lyman Hall, Button Gwinnett, George Walton, and Dr. Nathan Brownson were selected.² Doctor Brownson was a resident of St. John Parish, and the power of the popular party is shown in securing three of the five delegates from this small corner of the state. Hall and Walton were serving at this time in Philadelphia. Hustoun and Gwinnett did not attend under this appointment, while Doctor Brownson did not take his seat until three months later. It is also interesting to note that all of these delegates, as well as Archibald Bulloch, whom Brownson succeeded as a delegate, were at different times elected to the office of governor of the state.

The convention was hastily called together on November 18th, having taken a recess for five weeks, owing to the alarmed state of the country and the absolute necessity of immediate exertions against the Indians if the

¹Council of Safety Minutes, October 7, 1776.

²The credentials, "a true copy from the minutes," are in the papers of the Continental Congress in the Library of Congress.

breaking up of many of the frontier settlements was to be prevented. Gwinnett, as Speaker, had sent an express to General Robert Howe, who had succeeded General Lee in command of the Southern Department and whose headquarters were at Charleston, and the reply was addressed to "Button Gwinnett, Esq., Speaker of the Honorable House of Assembly now sitting at Savannah in Georgia."¹

Late in 1776, the Assembly of South Carolina unanimously passed a resolution favouring and proposing a union of the states of South Carolina and Georgia. A commission consisting of William H. Drayton and John Smith proceeded to Savannah, arriving there early in January, 1777, only to find the Assembly was in recess. Sounding public opinion, the South Carolina commissioners found every gentleman in public life strongly opposed to a union, but Drayton congratulated himself in finding some "gentlemen of fortune" who, while not in office or the Assembly, heartily approved the measure.

Upon the meeting of the Assembly, Drayton addressed a letter to the Speaker² asking permission to address the Assembly, which was granted. The Commissioners attended, and Drayton presented the arguments for a union. The advantage would be lower taxes, the expense of one government instead of two, the elimination of jealousies and rivalries and avoidance of troubles over boundaries. The value of land in Georgia would rise because the older

¹From the manuscript letter in the Collections of the New York Historical Society. The letter will be found in full, page 205.

²Gwinnett was certainly Speaker of the Assembly as late as December 18, 1776. See order signed by him as Speaker on that date in the Roberts Collection, Haverford College. But William H. Drayton, in his letter to Humphrey Wells, White's "Historical Collections," p. 203, speaks of calling on Doctor Jones (Noble Wymberly Jones) "the Speaker." His note asking the Assembly for permission to appear before it is addressed to Noble Wimberley Jones, Speaker, and is dated January 22, 1777. This note is given in Gibbs's "Revolutionary Documents," Vol. II, p. 74, as well as N. W. Jones's reply. It is possible that Gwinnett, in order to work on the Constitution, made way for Jones in the Speakership when the Assembly reconvened in January, 1777.

established planters in South Carolina would extend their improvements to Georgia. The Georgia currency, always inferior to that of South Carolina, would be put on an equal footing. The Savannah River would be cleared and the town doubled in prosperity, although she would lose the capitol. Drayton then ventured into a prediction of the dire results if the union were not carried through: Savannah would be ruined, because the South Carolina merchants would preserve their trade to themselves. The South Carolinians would plant a rival town on the river opposite Savannah, which would share half the trade of the river and eventually draw over the other half. The principal materials for building such a town were policy and opulence, and he thanked God that South Carolina was not in want of either! Georgia was not to be called upon to pay a shilling of Carolina debts; on the other hand, as became an opulent state, Carolina might not be unwilling to aid Georgia discharge her own. On the whole, what Carolina sought to promote was the general welfare by a union having justice and equity as its basis.¹

Drayton spoke for an hour before the Assembly, delivered a written proposition as a groundwork for action, and then withdrew. The convention agreed to consider the offer the following day. Drayton requested to be present, that he might hear the arguments, but the convention declined. Button Gwinnett came forward as the champion of an independent Georgia and spoke at length. Of the tenor of his speech we have no record, but he was addressing a sympathetic and responsive audience. By inquiring among members who were present, Drayton learned Gwin-

¹Drayton's transcript of his speech will be found in "White's Historical Collections of Georgia," p. 203. Also a portion of it in "Documents Relating to the History of South Carolina During the Revolutionary War," edited by A. S. Salley, Jr., p. 14.

nett's answers to his arguments, and he was assured by an officer of high military rank and three or four members of the convention, who apparently were all of the opposite party, that Gwinnett's arguments were gross misrepresentations or no answers at all.

Gwinnett drew some of his arguments from the Articles of Confederation, and Drayton complains that the Speaker led the convention to believe that the Confederation had been adopted by the Continental Congress when he had reason to believe such was not the case. Gwinnett, no doubt, fully expected the Articles had been approved by Congress long before this date.¹ The clause which would stand in the way of the union of the two states and which Gwinnett quoted was in Article VI, "No two or more states shall enter into any treaty, confederation or alliance whatever between them without the consent of the United States in Congress assembled."

In the afternoon, the convention handed Drayton a paper rejecting the proffered union, and the commissioners departed. After Gwinnett's death, Drayton and his fellow commissioners entered on a campaign among the people of Georgia which, in these modern times, would be called propaganda, reflecting on the officials of the state, magnifying the grievances and dangers of the population, and urging them, since their officials would not do so, to take action to bring the states together. Petitions were prepared and circulated, but seem not to have been generally noticed. Among other grievances claimed in the petitions was the fact that Continental money sent to Georgia for the payment of the troops had been diverted and withheld

¹The Continental Congress laid aside consideration of the Articles of Confederation from August 20, 1776, to April 8, 1777, when it was again taken up and debated, and on November 15, 1777, the plan of government was adopted. It was finally signed by the delegates of eight states on July 9, 1778, but it was not until March 1, 1781, that Maryland signed and the league of states was perfected.

after repeated applications from General Lachlan McIntosh, even while the enemy was attacking the frontier. By this action, the troops, having great arrears of pay due them, were wantonly made dissatisfied and driven to disobedience of orders.¹ To offset this campaign and put a stop to the plottings, John Adam Treutlen, the then governor, issued a proclamation² offering £100 reward for the arrest of Drayton or any person aiding and abetting him. Drayton was careful to keep out of the reach of the irate Georgia governor and the agitation for consolidation now came to an end.

¹A copy of the petition is given in "Gibbs's Revolutionary Documents," Vol. II, p. 77.

²June 4, 1777. The proclamation is given in "Revolutionary Records of Georgia," Volume I, p. 311.

CHAPTER XI

THE FIRST STATE CONSTITUTION OF GEORGIA

JOHN ADAMS, in his later years, is said to have recalled with satisfaction that John Jay, returning to New York from the Continental Congress with a copy of a letter in his pocket which he, Adams, had written George Wythe in January, 1776, had produced with its aid the Constitution of the State of New York. The letter had been prepared at Wythe's request, for, at this time, statesmen were puzzling as to how the colonies, passing from the control of the King, could constitute governments based on the power and authority of the people. George Wythe had loaned the letter to Richard Henry Lee, who, impressed by the wisdom of Adams's suggestions asked permission to have it printed. It appeared, shortly, as a pamphlet entitled "Thoughts on Government Applicable to the Present State of the American Colonies in a Letter from a Gentleman to His Friend."¹ Its influence on the early constitutions of the states about to be formed was profound. While we have no knowledge that Gwinnett carried one of these little booklets in his saddlebags as he travelled home in 1777 to help make the Constitution of Georgia, there is abundant evidence that he drew freely upon the advice which Adams was so competent to give, contained in this letter.

The foundation stones on which the Constitution of the United States was erected ten years later came almost entirely from the same quarries which supplied the states.

¹Adams's Works, Vol. II, p. 191.

Only a few were brought from more distant sources. In the greater document, they were more carefully selected, and those which experience had shown to be faulty were rejected, while those accepted by the builders were squared and tooled with extra care. Toiling on these foundations and on the erection of the fabric were skilled and unskilled workmen, a few master mechanics, and John Adams, the architect supreme. In this classification Button Gwinnett is clearly entitled to rank as one of the master workmen.

Seven sister colonies had already completed their constitutions by the time Georgia went to work. New Hampshire, South Carolina, and Virginia, in the order named, had acted before the Day of Independence; while New Jersey, Delaware, Pennsylvania, and North Carolina followed promptly in obeying the resolution of May 15, 1776, in which Congress had urged that new governments be formed in all the colonies not so provided. While Gwinnett was exchanging political gossip with Thomas Jones in Halifax, N. C., early in August of 1776, North Carolina's leading men were deeply absorbed in the problems of their constitution. A proclamation had been issued which was then being circulated, calling the convention and urging that only men of the greatest sagacity and patriotism be selected for this important work. When, a little later, President Bulloch issued his proclamation to the people of Georgia, calling the convention which would, among other important matters, frame a constitution, he, in like manner, urged the election of men whose friendship to the cause of freedom and whose political wisdom would best qualify them for this work.

Unfortunately, no list of the delegates or copies of the minutes and proceedings of this most important convention seem to be in existence. Allen D. Candler, editor of

"Georgia's Revolutionary Records," states in his introduction to that valuable work that not a vestige of the minutes was to be found. It is a pleasure, therefore, to have discovered a fragment of the minutes, and the names of the committee selected by the convention to prepare the Constitution. All Georgia historians have agreed that to Button Gwinnett belongs the distinction of having done the major portion of the work of drafting the Constitution, and that the document reflects his political philosophy, as well as the tenets of the dominant liberal wing of the Whig party of the state of which, at that time, he was the undoubted leader. Without disparaging the qualifications of his fellow members of the committee of seven, charged with the preparation of the Constitution, Gwinnett stood head and shoulders above them all in experience and ability. The minutes themselves show his guiding hand in the preparation of the Constitution, and undoubtedly this leadership continued throughout the debates in the convention before the final vote on its adoption was taken.¹

The fragment of the minutes found reads as follows:

In Convention, January 24, 1777.

Resolved:

That a Committee of seven be appointed by ballot, to reconsider and revise the form of a Constitution, heretofore proposed and reported, for the government of this State, and that they be balloted for this afternoon.

¹Georgia has had seven different constitutions. The first Constitution of the State of Georgia, framed in 1777, was superseded by the second, adopted May 6, 1789. This continued in force until the third was adopted, May 3, 1798. This was partially changed by various amendments, fourteen in number, from 1808 to 1849. No further changes were made until 1861, at the time of the secession movement, when the Constitution was completely revised. This was superseded by the Constitution of November 7, 1865, which was followed by that of March 11, 1868. The present Constitution was read and adopted in convention August 22, 1877, and signed by "C. J. Jenkins, President Constitutional Convention."

January 24, 1777, P. M.

The House proceeded to ballot for a Committee to reconsider and revise the form of a Constitution, when it appeared that Messrs. Button Gwinnett, William Belcher, Joseph Wood, Josiah Lewis, John Adam Treutlen, Henry Jones and George Wells, were duly elected that Committee.

January 29, 1777.

Mr. Gwinnett, from the Committee appointed to revise and consider the draught of Constitution for the government of this State, brought in their report, which was received and read the first time.

January 30, 1777.

Read the Constitution the second time, agreeable to the order of the day.

January 31, 1777.

Read the Constitution the third time; and then proceeded to read the same paragraph by paragraph and made some progress therein. Ordered:

That it be taken into consideration to-morrow morning.

February 1, 1777.

The House proceeded to consider the Constitution paragraph by paragraph, and adjourned its further consideration till Monday morning.

February 3, 1777.

The House took the draught of the Constitution into consideration and after some time spent therein, adjourned till to-morrow morning.

February 4, 1777.

The House proceeded to the consideration of the Constitution, and went through the same; which was again read with the amendments. Ordered:

That it be read to-morrow morning for the last time.

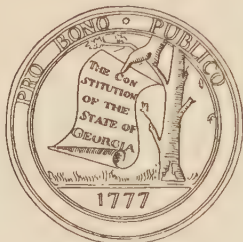
February 5, 1777.

Read the Constitution agreeable to the order of the day, when the House *unanimously* agreed to the same; and ordered, that 500 copies¹ be immediately struck off, with the Act of Distribution, made in the reign of Charles the Second, and the habeas corpus act annexed; and

¹"The Constitution of the State of Georgia," Savannah, printed by William Lancaster, MDCCLXXVII. The Constitution occupies eleven pages of the book, and is followed by "An Act for the better settling of Intestate Estates also an act for the better securing the Liberty of the Subject and for Prevention of Imprisonments beyond the seas." In the Library Company of Philadelphia, Ridgway Branch.

that the committee appointed to bring in a constitution do superintend the press.

A true copy of the Minutes—EDWARD LANGWORTHY, *Secretary*.



The Seal of the State of Georgia

Probably designed by Button Gwinnett.

Section of the Constitution of Georgia of 1777 relating to the seal: "LVII. The great seal of this State shall have the following device; on one side a scroll, whereon shall be engraved, 'The Constitution of the state of Georgia;' and motto, 'Pro bono publico': on the other side an elegant house, and other buildings; fields of corn, and meadows covered with sheep and cattle; a river running through the same, with a ship under full sail; and the motto, 'Deus nobis haec otia fecit'."

After three whereases stating briefly the history of the movement leading to independence, the Constitution in its first article divided the departments of government into the legislative, the executive, and the judicial. It proceeded to establish an assembly, and following the suggestion of Adams, from this assembly a council was to be elected composed of two members from each county which was entitled to ten or more representatives. This council was to elect its own president and officers, and was to vote by counties and not individually; its members could protest against any measure passed by the Assembly and they were to examine all laws and ordinances sent them by the

House. When any committee of the Council attended the House, with any proposed amendment, it was to deliver its message "sitting and covered" as token of superiority, while the whole House, with the exception of the Speaker, was to be uncovered. The president of this Executive Council was to succeed the governor in case of the latter's death, illness, or absence. The Executive Council advised the governor in filling offices and vacancies, in exercising the executive powers of government, and in calling the Assembly in special session. It will be seen that the Executive Council practically constituted an upper house, or senate, with abbreviated powers, but endowed with functions more executive than legislative. This arrangement followed exactly the suggestion of Adams as providing a check on both the governor and Assembly.

The Assembly was to elect the governor by ballot, and he was to serve for one year, taking an oath that he would surrender his office "peaceably and quietly" at the expiration of his term and, following an explicit recommendation of Adams's, he was not to hold the office for more than one year out of three. For "the time being" he was to be the "Captain General and Commander-in-Chief over all the militia and other military and naval forces belonging to the State." But he had no right of veto and but little power of appointment; nor could he grant pardons, that power resting with the Assembly. He could, however, grant reprieves and suspend a fine until the next meeting of the Assembly. Neither in Georgia nor elsewhere could the early governors adjourn the Assembly; in Georgia, he could summon it with the advice of the Council. Practically, the governor was to exercise the executive powers of government only with the advice of the Executive Council. As Madison truly says, speaking of all the governors

of the time, they were but little more than ciphers. The memory of the royal governors with their great influence and broad powers was still vivid and alarming.

Adams's dictum that all officers and assemblies should be elected annually resulted in such a provision in all the states, except New York and Delaware, where the governor was elected for three years, and in South Carolina, where he had two. In Georgia, this annual election of the governor continued until the adoption of the Constitution of 1789, while the governor was not elected by popular vote until an amendment was passed in 1824. It was an "unalterable rule" that the Assembly should expire and be at an end yearly and every year. In urging annual elections there was not, said Adams, in the whole circle of sciences a maxim more infallible than this: "Where annual elections end, there slavery begins." He continues:

"These great men should be once a year

Like bubbles on the sea of matter borne,

They rise, they break and to that sea return.

This would teach them the great political virtues of humility, patience and moderation, without which every man in power becomes a ravenous beast of prey."

Adams suggested a universal militia law, exempting those with conscientious scruples, and urged the establishment of schools, especially for the lower class of people. The Constitution of Georgia provided for both; schools were to be erected in each county, supported at the general expense of the state.

As indicating the grateful feeling in the colonies toward those who had warmly defended the cause of America in Great Britain, the fourth article of the Constitution did away with the old parishes, substituting therefor counties, named with one exception for our English friends and

apologists. The parish of Christ Church, which included Savannah, and a portion of St. Philip, which was next above it on the river, became Chatham County for William Pitt, the elder, first Earl Chatham, who had said that "England had no right under heaven to tax the colonists." The upper part of St. Philip and all of St. Matthew were called Effingham, for Thomas Howard, Earl of Effingham, who was a prominent opponent of Lord North's government. To honour Edmund Burke, "the first man in the Commons," who powerfully advocated justice and conciliation toward the colonies, the parish of St. George, which lay next to the north, was named for him. St. Paul's Parish, which included Augusta, was made Richmond County, for Charles Lennox, third Duke of Richmond, who in 1776 had defended the attitude of the colonies, declaring that "resistance was neither treason or rebellion." To the south, the parishes of St. Thomas and St. Mary were joined to make one county named for Charles Pratt, first Earl Camden, Chief Justice and Lord Chancellor, whose popularity is attested by numerous other counties, towns, and townships throughout the United States named for him. St. David and St. Patrick, patrons of the Welsh and Irish, were thrown into one county and named Glynn, for the eminent English politician and lawyer and member of Parliament, who had defended John Wilkes at his trial. Gwinnett and his committee were not alone in their admiration for Wilkes, for it had only been a few years since the South Carolina Assembly had voted £1,500 to be sent to London for Wilkes and his friends, and in our own day, Gladstone has named him one of the great champions of British liberty. For this stormy petrel of English politics, the "ceded lands" north of the Ogeechee River were erected into a county

called Wilkes. Finally, the three parishes of St. John, St. Andrew, and St. James were united in one strong county named Liberty for the early and continuous devotion of the inhabitants to the cause of freedom. Liberty was given fourteen representatives in the Assembly, the other counties ten each with the exception of Glynn and Camden, which, being thinly populated, were allotted one each. The town of Savannah was allowed four members and Sunbury two, to represent their trade.

The qualifications for voters in Georgia were more liberal than in any other of the Southern states. A voter must be white and twenty-one years of age and have property of at least £10 value, or be "of a mechanic trade." It is interesting to see Georgia in this early day extending special favours to labour. Before casting his ballot, the voter was required to make oath or affirmation that he owned true allegiance to the state and that he would support the Constitution. That the right of affirmation was provided is one more evidence of liberality, and it possibly was included for the benefit of the small remnant of a colony of Quakers who had settled in what is now the lower part of Columbia County. The opportunity of making affirmation was not offered as an alternative for the oaths required of the governor or members of the Assembly, so that Quakers or others with firm conscientious scruples against oaths would be debarred from filling these offices. Every voter was to vote by ballot, and he was obliged to vote personally and not by proxy. This provision was clearly the result and a grim reminder of the Habersham-Hughes affair, when the latter was killed in a quarrel at an election, over a vote cast by proxy. On his way to the polls, while there, and during his return to his home, a voter was to be free from arrest. Should a voter absent himself from an election or fail to deposit his ballot when there, he was sub-

ject to a fine of £5, but a reasonable excuse could be admitted.¹ Nor was any military officer to appear at the polls in a military character, to the end that elections should be free and open. No person holding any title of nobility could vote, a provision possibly aimed at Sir Patrick Houstoun and other titled men who might be in the state.²

To be qualified for the Assembly, a representative must have lived a year in the state and three months in his county. He was to be of the Protestant faith, twenty-one years of age, own 250 acres of land, or property to the value of £250. A curious provision provided that no clergyman of any denomination should be allowed a seat in the Assembly. The motive for this clause might have been the political apostasy of Rev. John Joachim Zubley, until it is discovered that the clergy had already been excluded from the assemblies of Maryland, South Carolina, and North Carolina in their previously adopted constitutions. Of these, South Carolina alone gave any reason for the curious provision. Its constitution recited that ministers, by their profession, were dedicated to the service of God and the care of souls and ought not to be diverted from these important duties. This provision was continued in Georgia's second constitution, 1789, but in that of 1795 it disappears. As in all others of the new state constitutions, all persons in Georgia were to have the free exercise of their religion, provided it was not repugnant to the peace and safety of the state, nor were they required to support any preacher except of their own choosing.

¹In the writer's own ward, the Twenty-first of the City of Philadelphia, at an important election November 3, 1925, 12,427 citizens voted and 24,167 failed to vote. At £5 fine apiece the resultant penalty would go a long way toward reducing the growing burden of taxation.

²Sir Patrick returned to England, was buried in the Abbey at Bath, when his title was assumed by his brother, Sir George Houstoun, who continued living in Georgia.

Courts were established, and it is singular that the manner of electing the judges was not definitely prescribed in the new constitution. Presumably they were appointed by the Assembly; for the Assembly, again quoting Madison, was omnipotent. They were called the Superior Courts and consisted of the Chief Justice and three or more of the justices residing in the county where court was held. Court was to be held twice a year in each county in a regular rotation and the dates were prescribed. Cases were to be tried in the county where the crime or the transaction occurred, but in the case of litigants from different counties the case was tried in the defendant's county. If any plaintiff or defendant in a civil case were dissatisfied with the verdict of the jury, he could have a new trial by a special jury, which was obtained by his choosing six jurymen, his opponent selecting six, and six being drawn out of a box. The whole eighteen were summoned, their names put in a box and shaken up, and the first twelve drawn constituted the special jury from whose verdict there was no appeal. No attorney could plead in the courts except those authorized by the Assembly, but every citizen could plead his own cause. All costs in the Superior Court were limited to £3, and no case was to linger in the court longer than two terms. A lower court, called the "Court of Conscience," which had already been established, was continued to try all cases under £10. It is said that the Georgia Constitution was the first to include the provision whereby the limitation of jurisdiction was set by the money value of the claim, a custom which is now practically universal.

Excessive fines could not be levied or excessive bail demanded. The jury was to be the judge of law as well as fact. Estates could not be entailed. When a citizen died, his estate must be divided among the children, the

widow taking a child's share, or her dower, at her option. All other intestate estates were to be divided according to an Act of Distribution passed by the British Parliament in the time of Charles the Second, and for the information of the people, when the Constitution was printed, this act was included in the little booklet immediately following the Constitution itself. The reason for this provision against entail was that, in the early days of the colony, the Trustees provided that land tenure should be by tail male, that is, real estate could be inherited only by a male heir. This created great dissatisfaction, and about the time the colonists were petitioning that they might have rum and slaves, both of which the Trustees had strictly forbidden, they were also demanding that the tenure of land might be enlarged. A correspondent, in 1742, writing the Trustees and contemptuous of the demands of the settlers, said they not only wanted "rum, slaves and fee simple but a sponge to wipe off all debts due the Trust."¹

The Continental Congress delegates who were to be appointed annually by the Assembly had the right to sit, debate, and vote in that body, under the regulations of the twelfth article of the Confederation. As a member of the Continental Congress, Gwinnett was entitled to receive one of the printed copies containing the revised articles, under strict instructions that no member was to permit his copy to go out of his hands or allow it to be reprinted. This may be the reason reference was made to the twelfth article by number, and that it was not quoted. The article provided that delegates should be appointed annually as the legislators of each state should direct, to meet in Philadelphia on the first Monday of November of every year, with power reserved to each state to recall any or all of its delegates and to send others in their places.

¹Letter from Thomas Jones to Harman Verlest, April 26, 1742.

Each state was to support its own delegates. When the Articles of Confederation were finally ratified by the whole Union on March 1, 1781, the form and arrangement had been greatly altered, and the above provision in regard to the appointment of delegates was made part of Article V, and Article XII related to bills of credit.

Every state constitution included a Bill of Rights, those ancient palladia of our liberties, some of which have their roots as far back as Magna Charta. When the Georgia committee was at work, North Carolina was the very latest fashion in constitutions, with a Bill of Rights covering twenty-five articles, placed as a preamble, but Gwinnett and his committee contented themselves with a few only of these usual declarations, and these were tucked away near the end of the document. Excessive fines were not to be levied, nor excessive bail demanded; the principles of habeas corpus were to be part of the Constitution; the freedom of the press and trial by jury were to remain inviolate forever. These were all.

A great seal for the state was provided, and here the fancy of the committee held full sway. One side bears a scroll, whereon is engraved, "The Constitution of the State of Georgia"; and the motto, "*Pro bono publico.*" On the other side, an "elegant" house, and other buildings, fields of corn, and meadows covered with sheep and cattle; a river running through the same, with a ship under full sail, and the motto, "*Deus nobis haec otia fecit.*"¹

Final provision was made for amending the Constitution, which would seem to have been made as difficult as possible. A majority of the voters in a majority of the counties were to sign petitions, whereupon the Assembly would order a convention, specifying the changes to be made. None of the first three constitutions of Georgia

¹"God made us these comforts."

was formally approved by the people of the state. Constitutions were not submitted for ratification by the voters until well on in the Nineteenth Century.

It was a clear and workable constitution that issued from the convention. There was no unnecessary verbiage, in strong contrast to the wordy constitutions of North Carolina and Virginia, which had preceded it. Its brevity and simplicity gave it directness and force. "Self-evident truths" were noticeably lacking; only the most important of the declarations in the usual Bill of Rights had been included, and these were tucked away in the text and given no special prominence. It omitted the statement as to the necessity of a frequent recurrence to fundamental principles, which Virginia had expressed thus: "No free government or the blessings of liberty can be preserved by any people but by a fine adherence to justice, moderation, temperance, frugality and virtue and by frequent recurrence to fundamental principles," a clause which had been transferred, with some shifting of words but the same thought, into practically all the other early constitutions.

The Constitution itself said that here were the "rules and regulations for the future government of the state," and that the friends of its makers thought they were good is attested by Lyman Hall. He had returned from the Continental Congress some time after its adoption, and had no hand in the work. Writing to Roger Sherman,¹ to whom a copy had been sent, he is glad to learn that Sherman approved it "in the main." Hall himself was pleased with it and thought it contained the pillars of liberty by which a people, even less virtuous than Georgians, might diffuse equal justice and liberty to the members of a community. He did not deny it might contain

¹Hall to Sherman, May 16, 1777, in the Pierpont Morgan Library, New York.

imperfections—Sherman had pointed one out to him—but even so, he considered it might be ranked among the best on the continent.

On the other hand, the conservative Whigs declared the new Constitution was “so very Democratical” that it threw power into such hands as must ruin the country if not prevented in time by some alteration in it. So many of the leading people were Tories, or with loyalist leanings, and so many more of the moderate Whigs had, through fear of the consequences, refrained from taking an active part in the movement for independence that when they did come forward they had lost the influence that would otherwise have been theirs. They deplored the fact that the machinery of government was in the hands of those whose ability or situation in life did not entitle them to it.¹

¹“Letters of Joseph Clay,” July 2, 1777, p. 34. Published by the Georgia Historical Society.

CHAPTER XII

PRESIDENT OF GEORGIA

THE abortive expedition undertaken by General Charles Lee against East Florida, which ended almost before it began, still rankled in the minds of the Georgians. The danger from that quarter continued. The authorities in St. Augustine looked with longing eyes on the cattle pens of southern Georgia to feed their troops and the hungry inhabitants augmented by the great body of loyalists who had taken refuge in St. Augustine. Frequent raids were made in the debatable ground between the St. Mary's and Altamaha rivers. About the middle of February, 1777, a more formidable incursion was undertaken by the King's troops, the loyalists, and the ever-ready Indian allies. Fort McIntosh, an outpost on the Satilla River, was captured, but the energetic action of General Lachlan McIntosh had driven the raiders back and prevented a further penetration of the state. The alarm, however, was general; the militia was directed to hold itself in readiness to march and a camp was established at Midway Meeting House.

The convention which framed the Constitution had adjourned on the day Fort McIntosh was threatened, February 17, 1777.¹ The planting season was approaching, and the country members had returned to their plantations, as had many of the members of the Council of Safety. It was increasingly difficult to find a quorum of the latter.

¹"Letters of Joseph Clay," p. 20: "Our Convention broke up only last Monday night."

To overcome this difficulty, and on account of the excitement caused by the incursion from Florida, six members of the Council—Button Gwinnett, Jonathan Bryan, Benjamin Andrew, Jon. B. Girardeau, Adam Brisbane, and William Bryan—united in signing the following paper which placed unusual powers in the hands of Archibald Bulloch, President of the State:

“His Excellency the President is hereby desired to take upon himself the whole Executive Powers of Government calling to His Assistance, not less than five persons of his own choosing, to Consult & advise with, on every urgent occasion, when a sufficient Number of Councillors cannot be convened to make a Board. This Power to continue for the space of one month from the date hereof Feby 22, 1777.”¹

On February 6th, Governor Bulloch had issued a proclamation appointing the coming March 1st as a day of fasting and humiliation, but, before that day arrived, he suddenly and mysteriously died. The exact date of his death is unknown, it being vaguely stated as “occurring before the close of the month.” President Bulloch attended a meeting of the Council of Safety on February 22, 1777.² The grant of power quoted above is also dated February 22d, but on February 24, 1777, two commissions were issued—one for John Martin, Esq., as lieutenant colonel of the First Regiment of foot militia, and the other for Richard Wylly as major of the same regiment—both signed by Hon. Button Gwinnett, Esq., and countersigned by Edward Langworthy, Secretary under the privy seal.³ These commissions were issued by Gwinnett as President of the Council of Safety, indicating that Archibald Bulloch was then absent, if not deceased. It would therefore seem

¹The original is in the Sprague Collection in the Historical Society of Pennsylvania.

²Journal of Council of Safety, “Revolutionary Records of Georgia,” Vol. I, p. 225.

³Book B, Commissions in the Secretary of State’s Office, Atlanta, p. 272.

that his death occurred between February 22d and 24th. It is noteworthy that nowhere, either in the existing family history or in the public records or correspondence of the day, can be found the cause of his death or the exact date of or any reference to his funeral. A physician in Savannah is reported to have said he had been poisoned. He occupied the unique position of being loved and respected by all political parties as was no other leader in the state.¹

On Bulloch's death, the Executive Council immediately convened, and on March 4, 1777, commissioned their fellow member, Button Gwinnett, Governor of Georgia and Commander in Chief of the Army. His commission, still bearing the influence of royal forms, is addressed "To our Trusty and well beloved Button Gwinnett, Esquire." It recited the powers under which the Council received its authority and that the reason for their action was the death of their equally "trusty and well beloved friend Archibald Bulloch." Reposing special trust and confidence in the prudence, courage, patriotism, and integrity of the said Button Gwinnett, they invested him with the supreme authority in the state. They directed that he should take the oaths prescribed by Congress and with the advice and consent of the Council (whereof seven shall constitute a quorum) he was given authority to call the general Congress of the state and to appoint magistrates in the several parishes. He was also authorized to judge offenders in criminal matters who had been found guilty by the courts, and given power to pardon and remit fines and forfeitures, wilful murder alone excepted. With

¹He was the direct ancestor of Theodore Roosevelt's mother. Martha Bulloch married, 1853, Theodore Roosevelt of New York, and they were the parents of Theodore Roosevelt, President of the United States. She was the daughter of Major James Stephens Bulloch, who was the son of James Bulloch, who was the son of Archibald Bulloch, President of Georgia. The latter was born about 1729.

the advice and consent of the Council, he or his captain general was given full power and authority to levy, arm, muster, and command, and employ all persons whatsoever within the said state of Georgia, to march from one place to another or to embark them for the purpose of resisting and withstanding all enemies, pirates, and powers coming with hostile intent against the state. Such enemies, in or out of the limits of the state, he could put to death according to law or keep and preserve alive at his discretion. Further, he could erect within the state so many forts, castles, and fortifications as he should judge necessary, and supply them with such ordnance and ammunition as they might require. All officers, civil and military, and all other inhabitants, were commanded to be obedient and to aid and assist him. The commission to be in force until revoked by the legislative authority of the state. The commission was signed by the following members of the Council: Jonathan Bryan, James Dunwoody, William Bryan, Samuel Saltus, Benjamin Andrew, Adam Brisbane, and John B. Girardeau.¹

The presidency of the state had thus come to Gwinnett by accident, through the unexpected death of Archibald Bulloch. Throughout the early days of the nation the governorship of their states was most eagerly sought by public men. The office was the head of the state, first in dignity and importance and the height of political grandeur. It was but a short remove from the days when the governor was the representative of royalty, maintaining his miniature court, and "Your Excellency" had a pleasant sound even in Republican ears. The colony and state were a cohesive political unit where a man, elevated above his friends and neighbours, was known and respected;

¹Book B, Commissions of Officers, in the Secretary of State's Office, Atlanta, Ga., pp. 266-69.

the nation as yet was an untried entity. Jefferson left the Congress to use his great influence in Virginia, becoming its governor, as did, at different times in their own states, eighteen others of his associates who had signed the Declaration. John Hancock, from the arduous and important presidency of the Continental Congress, became almost a perpetual governor of Massachusetts, with such an exalted idea of his and its importance that, on Washington's visit to Boston, as President of the United States, the question of precedence clouded the official hospitality of the state. Franklin returned from France crowned with the honours of half a century, to be Governor of Pennsylvania for three years, while, a little later, John Jay resigned the Chief Justiceship of the United States to become Governor of New York. For a generation, men preferred the position of governor to that of Congressman, United States Senator, a seat in the Cabinet or on the Federal bench.¹ In 1777, John Adams, complaining of the ever-changing membership of the Continental Congress and the constant stream of new faces, said that some were dead, some had resigned, a few deserted, and others had been "Cutt up into Governors at home."² In this last category, Button Gwinnett was now included.

Gwinnett had now reached the highest office within the gift of the state of Georgia. Through his devotion to the patriot cause, the influence which came to him through his attendance and ability in the Continental Congress, and his leadership in the late convention, he was undoubtedly, at this time, the outstanding man among the public men of the state. The active country or popular party was in the saddle politically, and Gwinnett was its unquestioned

¹Thorpe's "Constitutional History of the United States," Vol. I, p. 87, and Nevins's "The American States During and After the Revolution," p. 206.

²Adams to Warren, Baltimore, February 17, 1777. "Letters of Members of the Continental Congress," Vol. II, p. 260.

leader and spokesman. Joseph Clay speaks of this period as a time when the state was in high spirits with never a greater degree of unanimity since the beginning of the present contest.¹ But this was the lull before the storm. Already tragedy had entered upon the stage and, standing in the background, with sorrowful eyes, was watching the principal actor in the political drama. Gwinnett's rapid rise into these various positions of dignity and importance had aroused the enmity or jealousy of the strong city or merchant party. They distrusted alike his judgment and his motives, a distrust it is only fair to say the country party returned with interest. These men, representing the wealth and the hereditary dignity of the province, never forgave the parish of St. John for going ahead full steam while they were holding back in the early days of the Revolution. Many of the conservative merchants, lawyers, and office holders had been lukewarm in their adherence to the revolutionary movement, and some who, even at this late date, the summer of 1777, were ostensibly devoted to the state were later prescribed as enemies and their estates confiscated or amerced. Edward Telfair, one of the principal merchants of Savannah, who had been marked out for arrest on June 26th, was found actively working for the revolutionary cause by August 20th, while his brother, William Telfair, continued a pronounced loyalist and was later exiled from the state. Chief Justice John Glen, who was releasing the political prisoners arrested by Council at the suggestion of the Continental Congress, later left the state, and his estates were at first confiscated but later returned to him, after being subjected to a heavy amercement. Sir Patrick Houstoun, whose father of the same name had been a

¹"Letters of Joseph Clay," p. 20, to John Burnley.

faithful officer of the King in his day, was in turn prescribed by the Royal Assembly and the Colonial Assembly. He was the brother of John Houstoun, who had been a delegate to the Continental Congress, was at this time a member of the Council of Safety and was later to become governor of the state. The city or merchant party embraced the conservative Whigs, who were closely allied with the military party; while the country party, the radical Whigs, no less active in its patriotism, still wished to keep the army subservient to the civil authority. The conservative Whigs were further bound by family relationships and close social connections; at this time, practically all the active members of the Council were related. Joseph Clay, an important merchant and member of various councils and assemblies, was a cousin of the three Habersham brothers, Joseph, James, and John. George McIntosh, a member of the Council and brother of General Lachlan McIntosh, had married the daughter of the first Sir Patrick Houstoun and thus was the brother-in-law of John Houstoun. Many of the principal families were divided in political sentiment, and the charge was often made that the conservatives were simply Tories masquerading as Whigs. Some of the leading families of the Georgia of the time, who later rose to distinction in the state and nation, were for many years strong in their attachment to England.

George Walton, the confrère of Gwinnett and Hall and their fellow signer of the Declaration, at this time belonged to the Conservative party. He lost no opportunity to express his contempt for Gwinnett. As indicative of the venom and intemperance of the political feeling and expression of the day, Walton, writing from Philadelphia, where he was still in attendance in Congress, refers to his

colleague as a "rotten hearted designing enemy."¹ On Gwinnett's return to Georgia, as he forged ahead in importance and public esteem, Walton slightly likens him to Alexander the Great, having conquered all worlds and sighing for more, and adds prophetically, "This great hero that has set our country in a flame cannot last long"—a curious coincidence when it is considered that these words were addressed to Lachlan McIntosh. Walton claimed that the laws were taken out of the judges' hands and were being exercised by Gwinnett as dictator. He presumes that the act of habeas corpus has been suspended as being in keeping with Gwinnett's assumption of power. "I am treading upon delicate ground in my present situation," he added. "If I was at home I would speak my mind in the market place against this lord of the earth."

On his elevation to the presidency, Gwinnett proceeded energetically to push the affairs of the state. The day his commission was issued, the Council of Safety, having considered the situation along the Southern frontier, directed the president at once to organize an expedition against it. This military exploit will be considered in the next chapter. Some time later, President Gwinnett issued a proclamation calling the first assembly under the new constitution. Elections were to be held throughout the state, the Assembly to meet in Savannah on the first Tuesday in May, 1777.²

Of especial interest would be a copy of the president's proclamation to the people of Florida inviting them to return to their allegiance to the United States, but no such copy has been found. Only one proclamation issued

¹Copy of a letter from George Walton to Lachlan McIntosh, April 18, 1777, in the Library of Congress.

²Jones's "History of Georgia" says the Legislature was to meet on the first Tuesday in May. Vol. II, p. 270. Allen D. Candler, in the "Revolutionary Records," Vol. I, p. 305, says May 8th.

by Gwinnett as president of Georgia has so far been found in the public records, which is as follows:

GEORGIA

By the Honorable Button Gwinnett Esqr.
President and Commander in chief of the
said State.

A PROCLAMATION

WHEREAS in the present alarming situation of this State, it is absolutely necessary to do every thing in our Power to prevent any Intelligence, or Supplies being carried to our Enemies: I have therefore thought fit, by virtue of the Power vested in me to issue this Proclamation, hereby enjoining and requiring all and every Officer, concerned in clearing out Ships and Vessels, in any of the Ports or Harbours of this State, not to give any clearance, to any Ship Vessel or Boat, within any of the Ports, or Harbours aforesaid; and I do also forbid, and Prohibit, and all and every Master or Commander of any ship, Vessel or Boat within any of the Ports, or Harbours aforesaid, and all Pilots and other Persons whatsoever, to attempt to carry out to sea any Ship, Vessel or Boat, until further Orders shall be given herein.

Given under my Hand and Seal at Savannah, the fifth day of March, one thousand, seven hundred and seventy seven.

BUTTON GWINNETT (L S)

By His Honours Command
James Whitefield, Secretary
God save the Congress.¹

¹From "Revolutionary Records of Georgia," Vol. I, p. 307.

CHAPTER XIII

THE MCINTOSHES

ON THE fourth day of March, 1777, the day on which Button Gwinnett was commissioned President and Commander in Chief of Georgia, the Council of Safety directed him to draft such of the militia as he should think proper, and with all such persons as might volunteer, proceed with a campaign against the British forces in the province of East Florida. He was immediately to cut off all supplies for the garrison at St. Augustine, and, bearing aloft the American standard, he was directed to issue to the inhabitants a proclamation inviting them to take the oath of allegiance to the United States and thus be secured in their persons and property.

In the previous December, the convention then in session had written to General Robert Howe, the commander in chief of the Continental forces in the South, then with headquarters at Charleston, advising him of the alarmed condition of the country and asking his assistance. No notice was taken of this letter, and when, after a recess, the convention convened the beginning of February, the application was renewed. General Howe then wrote he would come to the assistance of the province. In the meantime, Fort McIntosh, an outpost on the Satilla River, had been captured by a force of British troops and loyalists, on news of which the council resolved on immediate action. General Howe, hearing of this affair, arrived in Savannah March 8th. He desired a meeting with the Council of Safety, but a quorum could not be found.

President Gwinnett and General Howe had several interviews, the former being very busy making arrangements for the proposed expedition.

On March 16th a bombshell exploded. On that day, President Gwinnett received from John Hancock, president of the Continental Congress, a letter covering a resolve of the Congress and an intercepted letter from the British governor, of East Florida, Patrick Tonyn. The letter was as follows:

Baltimore, January 8, 1777.

SIR,

I have the honour to inclose you a copy of an intercepted letter from the Governour of East-Florida to Lord George Germaine, containing, among other things, the most convincing proof of the treasonable conduct of Mr. George M'Intosh of your State. This Gentleman it seems, is a Member of the Congress in Georgia, and under that character is secretly supporting, by every act in his power, the designs of the British King and Parliament against us.

The United States of America have hitherto suffered extremely from the misrepresentations of their enemies, but much more from the baseness and perfidy of their pretended friends. I have it therefore in command from Congress to request, that you will cause the said George M'Intosh to be immediately apprehended, and take every other step in this matter which shall appear to you to be necessary for the safety of the United States of America. I have the honour to be, with great respect, Sir, your most humble servant,

(Signed) JOHN HANCOCK, *President*.

To the Honourable the President and
Council of the State of Georgia.

The Resolution of Congress passed January 1, 1777¹ follows:

An intercepted letter from Pat[rick] Tonyn, Esqr., Governor of East Florida, the the right hon^{ble} Lord George Germain, dated St. Augustine, 19 July, 1776, being laid before Congress,

Resolved, That a letter be written by the President to the president

¹"Journals of Continental Congress," Vol. VII, p. 8.

and council of the state of Georgia, enclosing a copy of the said intercepted letter, recommending to the said president and council, that they proceed immediately to apprehend and secure George McIntosh and take such effectual measures therein, as they shall judge necessary, for the safety of the United States of America.

The portion of the intercepted letter, which alone is of interest to this narrative, is as follows:

I had also the honour to write your Lordship that I expected from sundry places supplies of provisions, but have not so effectually succeeded in any of them, as I have in those taken up by Mr. Panton. He has now brought four hundred barrels of rice into St. John's River, a thousand more are shipped, and expected to arrive every hour. Mr. Panton executed this business with great hazard to life and fortune. He has been greatly assisted by Mr. George McIntosh, who is compelled to a tacit acquiescence with the distempered times, and is one of the Rebel Congress of Georgia, intentionally to mollify and temporize, and to be of all the service in his power. I am informed his principles are a loyal attachment to the King and Constitution. He would, my Lord, be in a dangerous situation was this known."

George McIntosh, named by Governor Tonyn as friendly to the British cause, was a brother of General Lachlan McIntosh. In 1736, 130 Highland Scotch reached Georgia with General Oglethorpe and had been settled on the frontier at a point which they named New Inverness, now Darien. Here under the Southern sun, along the flat and marshy borders of the Altamaha, the very antithesis of the granite heights of their Scottish home, were heard the skirling of the bagpipe, the swish of the claymore, and Gaelic accents of the Highlands. Through the draping moss, the lurking Indian descried the bare knees, the flapping kilt, and the waving bright red tartan of the McIntoshes, and paused in wonderment or fled in dismay. They were with Oglethorpe in the expedition against St. Augustine, when their fierce charge had the same terrifying effect upon their foes as did the im-

petuous rush of the kilted clans upon the modern battlefields of France. When the invasion of the Spaniards two years later, with a greatly superior force, was ignominiously driven back, the Spaniards gave as an excuse for the failure of the expedition that the morasses and thickets were so lined with wild Indians and Highlanders that "the devil could not penetrate to the stronghold of the Georgians."¹

The leader of the clan in Georgia was John More McIntosh, the head of a numerous family and many connections. When the citizens of Savannah petitioned the Trustees to abolish the entailing of estates, also that they might introduce slaves—two important regulations of the Trustees—a copy of the petition was sent to John More McIntosh to obtain names among the Scotsmen. McIntosh enclosed the paper to General Oglethorpe and drew up a vigorous counter petition protesting against the use of slaves and any change in the law. This was numerously signed by his fellow countrymen.² In February of 1740, he left his home to visit General Oglethorpe, to clear his accounts and take his leave. He had just heard that his brother, the chieftain of the clan, was dying, and, as his next heir and successor, he was returning to Scotland.³ He did not get away, but taking part in the Florida expedition in command of the company of Highlanders, he was captured, sent to Spain, and imprisoned for several years, returning to Georgia a broken man, dying soon after. He left a widow and a considerable family of young children, among them three sons, William, Lachlan, and George. Lachlan was thirteen years of age when his father was wounded and captured at St. Augustine. He was sent

¹"Sketches of St. Augustine," Philadelphia, 1848, p. 39.

²M'Call's "History of Georgia," Vol. I, p. 90.

³"Colonial Records of Georgia," *Stephen's Journal*, February 13, 1740.

to school at the Bethesda Orphan Asylum, founded by Rev. George Whitfield, near Savannah, having been admitted February 28, 1739-40, and remaining there a little more than two years, when he was ordered to join the regiment at Frederica, he and his brother having been made cadets by General Oglethorpe.¹

A romantic story is told of the two older boys. Just as General Oglethorpe was leaving Georgia to return to England to assist in repelling the invasions of the Young Pretender, Charles Edward Stuart, in 1745, the two young brothers were found hidden in the hold of another vessel. They too had heard of the proposed rising in the Highlands, and were anxious to join in the attempt to seat the house of Stuart on the English throne. General Oglethorpe sent for the boys, explained to them the hopelessness of their cause, told them of his ancient friendship with their father and the folly of their engaging in the desperate struggle. As an English officer, he could not allow them to go, but if they would return to shore, nothing more would be said about the matter. They gave their pledge and never saw him again.

Lachlan had been a favourite name among the McIntoshes. Lachlan McIntosh, the head of the Clan Chattan of which the McIntoshes were a sept, died in 1704, and was succeeded by his son Lachlan who was "out" in 1715 and died without issue in 1731. He was succeeded by his kinsman William McIntosh, who died without issue in 1741. It was the death of the latter that had called John More McIntosh to Scotland. William and George McIntosh became planters in and near their ancestral home, George owning a plantation along the Sapella River. He married a daughter of the first Sir Patrick Houstoun, a neighbouring planter, and thus became a brother-in-law of

¹White's "Historical Collections," p. 334.



Portrait of General Lachlan McIntosh
By Charles Wilson Peale, in Independence Hall, Philadelphia.

John Houstoun, the important lawyer in Savannah, and of another Sir Patrick Houstoun who was living at this time, as well as of George Houstoun, one of the leading Savannah merchants who later succeeded to the title as Sir George Houstoun. George McIntosh, through his energy and family connections, acquired a considerable competency. Lachlan McIntosh went to Charleston, S. C., where he entered the counting house of Henry Laurens, afterward president of the Continental Congress and an important and leading man in the state. Young McIntosh was taken into the Laurens family, where he was given every opportunity for culture and improvement. But after some years spent in mercantile pursuits, he returned to the banks of the Altamaha, where he married and engaged in the profession of a general land surveyor. This enabled him to select valuable tracts of land, and he too acquired a competency. Both he and his brother George were active in the early steps of the Revolution. They had been members of the First Provincial Congress and of subsequent conventions, representing the parish of St. Andrew. George McIntosh had been a member of the Council of Safety, sitting in that body with Button Gwinnett on numerous occasions. They had been neighbours, St. Andrew Parish adjoining that of St. John. The rivalry between Gwinnett and Lachlan McIntosh for the command of the First Continental Battalion has already been mentioned, as well as that which arose when McIntosh was made a brigadier general in command of the Georgia brigade. McIntosh had allied himself with the strong conservative section of the Whig party, through family relationships, his general predilections, and his military connections.

George McIntosh had not been present at the meeting of the Council of Safety when Gwinnett had been ap-

pointed president, his wife having died on that day, which also caused the absence of his brother-in-law John Houstoun. But McIntosh was present on March 4th, and then declined to sign the new president's commission, telling the assembled board that Gwinnett would be the last person in the world he would choose. This naturally angered the newly elected president, who, according to McIntosh, exclaimed, "By God, then, this will be the last day you and I will ever sit together in Council."¹ When, therefore, twelve days later, the letters and resolution from the Continental Congress were placed in Gwinnett's hands, making the positive charges of George McIntosh's traitorous conduct and directing that steps be taken immediately for his arrest, there is no doubt that inclination was added to the president's unquestioned duty. The convention had adjourned several days before, and although Gwinnett tried on the sixteenth, he could not get together a sufficient number of the Council to make a board, so that the responsibility was entirely his. Gwinnett directed Colonel Hovenden to take two men, find George McIntosh, and take him into custody. He was brought to Savannah, and given over to the provost marshal, who was directed to put him in irons and place him in the common jail. Gwinnett explains that the crime of which McIntosh was charged was treason against the United States; that he could in no better way express a detestation of it than by ordering him in irons.

That a prominent citizen, a member of the Council of Safety, related to three members of the board, a friend and connection of others, should be in irons in the common jail, with felons, threw the city into an uproar, particularly as the exact nature of the charges was not immediately known.

¹"The Case of George McIntosh, Esquire." Printed in the year 1777, p. 5.

The friends of McIntosh came to the president and offered bail to the great amount of £50,000, which he refused. They then used every means possible to get the out-of-town members of the Council together. When it had assembled, Gwinnett laid the papers he had received from Congress before them. After they were read and debated, the Council directed that the irons should be removed from the prisoner. John Houstoun, the prisoner's brother-in-law, represented that he was in a dangerous state of health and that, if he remained in the common jail, he would certainly perish before he could be brought to trial. To this the Council agreed, and he was released. The following day, President Gwinnett having departed for Sunbury in connection with the expedition against Florida, the Council came together, called McIntosh before it, and after hearing his side of the story, released him in £20,000 bail, four of the members of the Council—Adam Fowler Brisbane, Jonathan Bryan, John Houstoun, and William LeConte—together with other citizens, signing the bond.

There is one well-known precedent for placing an important political prisoner in irons, and there were undoubtedly many such instances. In June, 1776, the Council of Safety had procured the arrest of William Telfair, a consistent loyalist, and Rev. J. J. Zubley, erstwhile member of the Continental Congress. On July 1st, the Council was surprised to learn that the Chief Justice "had improperly and illegally" released them. They were again ordered into custody.¹ When Dr. William Read, a young surgeon in the Continental army, was committed to prison for objecting to the harsh treatment accorded by Colonel William McIntosh to two British officers who were prisoners, he was placed in the compart-

¹"Revolutionary Records of Georgia," Vol. I, p. 147.

ment with Telfair and Zubley, and there found the latter with irons upon him.¹

Briefly, the crime with which McIntosh was charged was knowingly shipping rice from his plantation to a British colony in a vessel which had been cleared for Surinam (Dutch Guiana). The venture was undertaken with three partners—Sir Patrick Houstoun, Robert Baillie, and William Panton. The latter two were notorious Tories, and Sir Patrick's equivocal position toward the Colonial cause has already been mentioned. If McIntosh was not guilty—the Continental Congress in the following October cleared him of the charges—he certainly was in bad company politically. In the distressing condition of the public affairs, and in the face of the positive directions of Congress, it would seem no other course was open to President Gwinnett than the one he had taken.

From undoubted intelligence, he believed that the garrison at St. Augustine would long before now have been evacuated and East Florida joined to Georgia, if it had not been clandestinely supplied by its friends in Georgia with rice, corn, and cattle. It was this growing scarcity of supplies which had caused the various incursions into Georgia, to punish and prevent which the present expedition had been undertaken by the state.

We left General Howe conferring with Gwinnett. When the accusations against George McIntosh were made public property, on March 18th, the general sought a private interview with the president, to ask whether there were any charges against General Lachlan McIntosh, to which the president replied in the negative, but pointed out the nearness of his connection with the prisoner, the danger from the warmth of private resentment, the un-

¹Reminiscences of Dr. William Read in Gibbs's "Revolutionary Documents," Vol. II, p. 248.

easiness of the people and the lack of confidence they would have in the commanding general. Gwinnett requested, on these accounts, that General McIntosh might be removed from his command and sent to another state, but General Howe took no action. At the meeting of the Council held at this time, General Howe informed them that he had no intention of an expedition against East Florida, that the troops were needed in South Carolina, that he intended returning to Charleston but that he would leave Colonel Sumter's battalion, which, the next day, he ordered to proceed to Sunbury. As he sailed away with the troops which had accompanied him, reports were received of two men having been killed on the Altamaha, and that the enemy were driving off cattle from Beards Bluff.

The Georgians were surprised and sadly disappointed at the unexpected departure of Howe. "He came, he saw and left us in our low estate," says Gwinnett. The old question of the subservience of the military to the civil authority no doubt influenced Howe. Gwinnett says, in a letter which he wrote John Hancock, president of Congress:¹

In the Declaration of Independence, it was alleged against the British tyrant, "That he had affected to render the military independent of and superior to the civil power." I am very sorry to observe that something like this has appeared in General Howe's conduct, for tho' he found the situation of this State rendered an expedition to East Florida absolutely necessary and was also particularly informed of the distress of the Floridians, yet, finding the Council had deputed the President of this State, after they thought they could obtain no assistance to proceed on this expedition, he appeared no way willing to concur and assist in the measure, but raised several chimerical difficulties and rather seemed to obstruct the attempt. However, the true friends of this State are fully convinced that their safety and political happiness depends entirely on our present exertion and that if

¹Contemporaneous copy of a letter from Button Gwinnett to John Hancock in the Library of Congress, dated Sunbury, March 28, 1777. The letter is given in full on page 215.

we succeed in this affair, it will be doing a great service to the American cause in general. St. Augustine has been as it were the key to the Continent, whither the Tories have fled from all parts of the Continent and by that place they have maintained a correspondence with Great Britain to the great prejudice of the United States.

Gwinnett's reasoning would seem to be correct. He was proceeding under the direct orders of the convention and of the Council. He had importuned General Howe to come and command the expedition, and on the eve of its departure he had placed in his hands incriminating documents relating to the brother of the general who would succeed General Howe should the latter leave the state. These accusations were clear and emphatic, and from no less an authority than the Continental Congress. Is it any wonder he and a majority of his associates on the Council of Safety lacked confidence in General McIntosh, and that they were unwilling the expedition should proceed under his command, experienced and brave officer that he was?

But that it was personal ambition on the part of President Gwinnett that originated the expedition, that in the beginning he had expected any closer connection with it than the presidents of councils of safety and conventions were accustomed to take in the military operations in their respective states, is certainly not demonstrated by the facts, too long slumbering in the musty archives and sadly overlooked by the early historians. Notwithstanding the fact, the Council of Safety was filled not entirely by his friends and partisans, and they were willing to place the direction of the expedition in his hands, and through the unusual combination of circumstances ^{he} he became, in fact, what he was in name, "Commander in Chief of the military and naval forces" of the state of Georgia.

CHAPTER XIV

THE FLORIDA EXPEDITION

IF EVER a military expedition was foreordained to failure, it was that planned by the Council of Safety of Georgia for the reduction of East Florida in the spring of 1777. The hasty return of General Howe to Charleston, withdrawing his troops, set the seal of inexpediency on the undertaking. The dissensions among the leading men of the colony over the George McIntosh affair; the taking of the control of the expedition by President Gwinnett, at the direction of the Council, with its retinue of jealousy and distrust; the season of the year with high waters, heat, and general unhealthfulness, were all elements which augured ill for a successful issue.

The military authorities, the conservatives generally, and those not blinded by the desirability of reducing East Florida, were greatly concerned. There were not enough troops in the state for its defense, and to risk their battalions on a foray that showed more zeal than prudence was to them the height of folly.¹ General Robert Howe in a letter to Washington² gives the reasons why he would not or could not undertake the Florida expedition of 1777. He estimated that at least four thousand Continental soldiers would be needed for the reduction of St. Augustine. From recent information he had received about the

¹"Letters of Joseph Clay," p. 31. Letter to Henry Laurens, May 19, 1777.

²Letter General Robert Howe to George Washington, Charleston, May 14, 1777, in the Library of Congress.

place, the Castle was in a very respectable state of defense. The approach to it is by elaborate works rendered difficult and dangerous. The garrison consisted of 1,000 British soldiers with 300 Indians and about 120 Florida Scouts. They were usually short of provisions, the water in the fort was generally, if not always, bad, and they were usually unsufficiently supplied with fuel. Any successful expedition must be undertaken in the winter, when the climate was clement and wholesome. The expedition of the previous year¹ should have been sufficient warning not to undertake it in the summer time. At one post with 500 men, there were only 70 fit for duty. Another advantage of an expedition in the winter was that the militia were then available, while in the spring and summer it was essential for their own living and the security of the state that they attend to the work of their plantations. However, the safety of Georgia absolutely demanded the reduction of St. Augustine, and with a proper force, a satisfactory equipment, and at the proper season, he hoped to see the task accomplished. But it must be remembered, however, that the cannon in South Carolina, as well as every other military requisite, were the absolute property of the state, and it would be necessary to secure the consent of the Assembly before they could be used to operate against the enemy in another state.

President Gwinnett put forth every effort properly to organize and equip the expedition. He travelled back and forth between Savannah and Sunbury, gave such assistance as he could to raise volunteers for the militia, and

¹"The havoc that the sickness which pervaded the Southern states last year made among them and the horrid expedition which was undertaken against St. Augustine at the most inclement season thinned the army of some of our best men and discouraged others from enlisting." Letter William Hooper to Robert Morris, May 27, 1777, in possession of the author.

issued commissions, as commander in chief, to the newly selected officers. He was able to collect at Sunbury a flotilla consisting of one fourteen-gun sloop, two smaller sloops of ten and eight guns each, and three galleys—the *Washington*, *Lee*, and *Congress*—mounting each a gun and swivels. Learning that the *Randolph* (frigate) and the *Hornet* (sloop) were at Charleston, he sent a messenger requesting their assistance if consistent with their duties and orders, but it was not forthcoming.¹ The expedition was to move forward in two divisions; the mounted militia under Colonel Baker was to proceed by land, while the Continental troops were to embark from Sunbury on the little fleet Gwinnett had gathered together. The two bodies were to meet on May 12, 1777, at Sawpit Bluff, at the mouth of Sawpit Creek, a point some seven miles north of the St. Johns River, and from there move forward together to the capture of St. Augustine and the annexation of East Florida.²

On March 30th, the elections being in prospect for the new convention which was to assemble in May, the first under the new constitution, all the Continental troops were marched three miles out of Savannah and encamped. Here they were to remain until further orders, but every military person entitled to vote was permitted to appear in town as a citizen during the continuance of the election. On April 10th, the First Battalion, under command of Colonel Joseph Habersham, and the Second, under Colonel Samuel Elbert, marched out of Savannah ostensibly for the Altamaha River, but after leaving town they were diverted to Sunbury. Here General McIntosh established

¹Button Gwinnett to John Hancock, March 28, 1777. Contemporary transcript in the Library of Congress.

²C. C. Jones, "History of Georgia," Vol. II, p. 265.

his headquarters, where, on the sixteenth, he issued a general order directing all the troops to take the oath of fidelity to the United States before a civil magistrate, a reminder that they were subservient to the civic power as vested in the state officers. The next day, General McIntosh issued an order directing his troops to embark, but it was two weeks later before they finally sailed.

The Council of Safety, by letter, had especially directed General McIntosh to use every endeavour to promote harmony and unity, which were to be obtained by a council of war consisting of the Continental and the militia officers. President Gwinnett, as commander in chief, summoned such a council, but General McIntosh evaded it. The summons was repeated, but McIntosh again declined to attend. At this point, the members of the Council of Safety who were at Sunbury, and the field officers of the expedition, advised both Gwinnett and McIntosh to return to Savannah and give the command to Colonel Samuel Elbert, the senior colonel of the Continental troops. This they did,¹ McIntosh returning first and Gwinnett following a few days later.

Great was Colonel Elbert's perturbation on receiving orders from the commander in chief to proceed at once with the Southern expedition. As an officer in the Continental army, and therefore subordinate to General McIntosh, he declined to proceed without specific orders from the latter, and these were not immediately forthcoming. Elbert wrote McIntosh on April 24th that, without his particular orders, he would not move, and he also notified President Gwinnett and the Council of Safety that their orders must come through his superior officer. "For God's sake, let me hear from you immediately," he im-

¹Ms. letter of Lyman Hall to Roger Sherman in the Pierpont Morgan Library, New York. Printed in C. C. Jones's "Biographical Sketches," p. 99.

plored the general, "and if you think proper that I proceed on the expedition, let me have your orders of directions as full as possible. I am sure you wish well of the undertaking and will therefore occasion no delay on your part."¹

On April 27th, Colonel Elbert received the desired orders from General McIntosh. He enclosed copies of them to Colonel Baker, who was in command of the militia, and also to Colonel Sumter, who was stationed at Fort Howe, on the Altamaha, but, unfortunately, this officer had been ordered back to Charleston, thus weakening the expedition to that important extent. Colonel Elbert embarked his forces on the little flotilla, in which they were sadly crowded, on the evening of April 30th, and, early the next morning, they sailed from Sunbury, and by afternoon had traversed eight miles, anchoring off St. Catharines in the afternoon.

Colonel Baker, after strenuous exertions, had succeeded in securing only 109 volunteers. These were mounted men, and it is said they were mainly from Liberty County, of which Colonel Baker was a native. With these, he marched to Fort Howe, only to find that Colonel Sumter, with his battalion, had been ordered back to South Carolina. The Altamaha was so swollen with the spring rains that its waters completely filled the great swamps on either side, and two days were required for the passage of his troops. At dawn, on May 4th, he was attacked by Indians, but drove them off, and after incredible difficulties, crossing the Saltilla and St. Mary's rivers on rafts and swimming his horses, he reached Sawpit Bluff on May 12th, the day appointed.

But Colonel Elbert was nowhere in sight. As we shall see, he was dawdling down the back waterways. On

¹Order book of Samuel Elbert, p. 19.

May 17th, Colonel Baker was attacked by a superior force, which compelled him to retreat. Only about fifty of his men participated in the affair, the rest having precipitately fled, at the first attack. Colonel Baker himself narrowly escaped capture, one of his men having appropriated his horse. He lost eight killed, nine wounded, and thirty-one captured. Two of his captains were taken prisoners, and two of his lieutenants killed. The whole force was completely scattered, the few surviving straggling back through the swamps to the Georgia settlements; a few succeeded in joining Colonel Elbert.

In the meantime, the Continental troops in their sloops and galleys were making slow progress down the coast. The distance in a direct line from Sunbury to Sawpit Bluff is about seventy-five miles. But Elbert's heart was apparently not in the job, and innumerable difficulties presented themselves. He had anchored off St. Catharines the afternoon of May 1st, and an average progress of only seven miles a day would have brought him to the rendezvous in time. In four days, he had travelled the length of St. Catharines, ten miles. By the twelfth, when he should have been at Sawpit Bluff, he had reached the mouth of the Altamaha, some thirty miles or more from Sunbury. By the seventeenth he had covered twenty miles more and on the nineteenth fifteen of Colonel Baker's men joined him with the story of the defeat of the militia. His galleys ran aground, he heard distant guns, as if the enemy were signalling, his provisions ran low, his scouting parties were attacked and some of them killed on Amelia Island, his men deserted, and the Amelia narrows were so narrow and dry he could not get even the smallest galley through. He called a council with Commodore Oliver Bowen and the sailing officers, and they agreed that it would be impossible to get through

the narrows, and so the flotilla turned northward.¹ After cruising around in the inland waterways, always promising his troops would give a good account of themselves if they should meet the enemy, he returned to the Saltillo River to establish a station there. Considering what he accomplished, his lament over the behaviour of Colonel Baker's men, who at least were on time and probably would not have been defeated had Elbert arrived, is in rather poor taste. He writes McIntosh, May 26, 1777:

I lament the behavior of Colonel Baker's men, but it will always be the case where subordination is wanting; this little success will make the enemy very Impudent, particularly the Indians; I think from every Information we can get that the enemy are at present on their guard, that little can be done unless by a formidable Invasion, which I Judge to be rather too much for Georgia to undertake till her Forces are put on a more respectable footing, and therefore would recommend confining our Operations entirely to the defensive till a more favourable opportunity; We have too many Secret Enemies amongst us who Keep up a regular correspondence with our Florida Neighbours, and until they are put a Stop to it will be impossible for us to enter Florida without their having timely notice of our approach.²

Considering, too, how little Colonel Elbert accomplished it would have been well if certain vainglorious expressions in his letters and reports had been omitted. "Could we have got the galleys into St. Johns River, I would with the men I have with me made the whole Province of East Florida tumble," he writes to General McIntosh. On June 10th, he received orders to return with his fleet to Sunbury.

Thus ended the second expedition for the reduction of Florida, without the slightest result except to give comfort

¹Head winds, boisterous weather, and want of pilots who were acquainted with the Southern island navigation rendered Colonel Elbert's share in the expedition as useless as Colonel Baker's, though not so fatal. M'Call's "History of Georgia," Vol. II, p. 123.

²Order Book of Samuel Elbert, p. 31.

to the enemy and increase the number of the disaffected. A year later, John Houstoun, who was then governor, undeterred by the lessons of the previous campaign, undertook a similar expedition with the same object in view. General Howe was the Continental officer in command, the expedition was much more formidable, but Houstoun insisted on commanding, as governor of Georgia. There were the same incompetence and mismanagement, the same disputes over authority, the same unnecessary loss of life, the same inglorious return. In reading these episodes in Georgia history you must be sure of your dates and that you are on the right pages, because the account of one expedition reads much like the other.

The story that Button Gwinnett led the ill-fated expedition in 1777 must now forever be at rest. Nor was the setting aside of General McIntosh due to jealousy or the desire for expected glory. Such action was upon the advice if not the direction of members of the Council of Safety and of the field officers of the expedition. A large part of the people of Georgia had lost confidence in General McIntosh's loyalty and integrity. On March 14th, President Gwinnett had written General Howe urging that McIntosh be sent out of the state for the safety of Georgia and of the United States, but Howe had taken no notice of this letter except to ask if the general were involved in the George McIntosh affair. The president and his Council of Safety, in their desire to direct the expedition, were doing exactly what the Continental Congress and numerous state councils of safety were doing every day. This interference with and direction of military movements and policies by the civil authorities was one of the weaknesses of government of the early days of the Revolution. Its evils were learned only by bitter experience, and it was not until the generals and officers

from Washington down were given authority and freed from civilian control that they became generally effective. The feeling in the early days of the Revolution is expressed in a letter from the Massachusetts Assembly to the Continental Congress, in which they said:

As the sword should in all free states be subservient to the civil power and as it is the duty of the magistrates to support it for the people's necessary defense, we tremble at having an army although consisting of our own countrymen established here without a civil power to provide for and control them.

The situation in Georgia was not unusual, except in the unfortunate complication caused by the arrival of the peremptory message of the Continental Congress to take George McIntosh into custody just as the southern expedition was starting, and the fact that the accused was a brother of the commanding general. The likelihood of success was very remote even had General McIntosh commanded the expedition, and Colonel Elbert was commended by many for not risking the utter annihilation of his little expedition. In the following year Colonel Elbert took part in the expedition against Florida under General Howe, marching his troops to the Altamaha. But this time, he achieved a victory on the water by capturing the *Hinchinbrook* and the *Rebecca*, two British war vessels, and putting another, the *Galatea*, to flight. He served with distinction during the war, was made a brigadier general, was captured and imprisoned. He later became governor of the state.

CHAPTER XV

THE DUEL

GENERAL LACHLAN McINTOSH and Button Gwinnett had returned from Sunbury to Savannah. The Assembly, the first under the new constitution, was to meet in Savannah the first Tuesday in May.¹ It met on or about that date, but, as in the case of the convention which framed the Constitution, no records or minutes or list of members can be found. This is unfortunate, as it was, judging from the business which came before it and from it, an unusually interesting and important gathering. Dr. Noble W. Jones was elected Speaker and Samuel Stirk, Secretary. The new experiment in government, the Executive Council, was selected from the members of the Assembly, consisting of two members from each of the six counties in the state then entitled to ten representatives each. Benjamin Andrew, a fellow member of Gwinnett, from Liberty County, was made chairman of the council. If the Assembly followed the procedure of later assemblies, before making these selections they voted for the governor, as the new executive was to be called, instead of president.

The Georgia historians unite in saying that Button Gwinnett was an active candidate for this office. Clearly, if he wanted it, his services during the past year entitled him to it. But John Adam Treutlen was elected by "an overwhelming majority." The latter was a rugged and honest planter, of far less brilliancy than Gwinnett,

¹C. C. Jones, in his "History of Georgia," says the convention met May 8th.



The Duel

*As imagined by "Mr. Ferris, an able artist."
From a wood cut in the 1865 edition of Sand-
erson's "Biographies of the Signers."*

who came from the group of German immigrants from Saltzburg, Germany, who arrived in Georgia soon after Oglethorpe and settled in and around New Ebenezer, now included in Effingham County. He had served with Gwinnett in various public capacities, the last being a membership on the small committee to draft the constitution. They were friends and members of the same political faction. If it be true that Gwinnett and he were rival candidates, it would seem that his election was a matter of political strategy. Either the popular party had feared that it would have difficulty in electing Gwinnett, owing to the dispute over the leadership of the Southern expedition, and consequently had put forward Treutlen as their candidate, or the conservative Whigs and the McIntosh party may have nominated him as the strongest candidate to beat Gwinnett, being able with their votes and Treutlen's popularity to show an effective majority. Gwinnett was still a member of the Continental Congress, and may have preferred that position to becoming governor, particularly as the delegates to the Continental Congress were entitled to seats in the Georgia Assembly under the new constitution.

One of the first duties of the Assembly was to investigate the clash between the civil and military authorities in connection with the command of the Florida expedition. That ill-fated attempt had not yet reached its culmination. No principle was more firmly fixed in the minds of Revolutionary legislators, not only in Georgia, but throughout the colonies, than that military must be controlled by the civil authority, and McIntosh's unwillingness to act either under or with the commander in chief of the state was viewed with grave displeasure by the majority in the council and all the radical Whigs throughout the state. On the other hand, the military authorities of the state

had long complained of the meddling in strictly military matters by the convention and councils. It sapped the very foundations of discipline, they said, and brought disrespect upon the superior officers. This situation became increasingly grave when a majority of the council and a majority of the people at large lost confidence in the integrity of General McIntosh. The claim was made that he was back of his brother in the shipments of rice to the hungry British garrison at St. Augustine, and even that he had profited by the illicit trade.

Gwinnett and McIntosh appeared before the Assembly to state their cases, and that body came to a conclusion and resolved that "they approved the conduct of Mr. Gwinnett and his Council, so far as these matters had been laid before them." This action vindicating Gwinnett and inferentially censuring McIntosh was more than the latter could stand. He became so incensed that, in the presence of the Assembly, he called Gwinnett "*a scoundrel and a lying rascal.*" Had the Assembly, or the Speaker, immediately taken notice of this grave insult and breach of the dignity of the House, called McIntosh to order, and brought him to the bar of the House, a public apology might have wiped out this public affront, but no such action was taken. This incident occurred on Thursday, May 15, 1777.

Gwinnett consulted his friends, and no other course seemed open to him than a resort to the ancient and accepted method of wiping out an insult. He asked George Wells, a member of the Assembly from Richmond, to act as his second. Late in the evening, Wells was dispatched with a letter from Gwinnett to General McIntosh. It stated that, as he had been called a scoundrel in a public convention, he desired that he might receive, before sunrise the next morning, the satisfaction accorded a gentle-

man. To this McIntosh answered that, though the hour was earlier than he was accustomed to rise, he would meet Mr. Gwinnett precisely at the time proposed. Wells agreed with Major Joseph Habersham, who had been selected by McIntosh as his second, that the duel should be fought with pistols which McIntosh was to supply. The place selected was in Sir James Wright's meadow behind Colonel Martin's house, then on the outskirts of Savannah.¹

Early next morning, Friday, May 16th, Mr. Gwinnett and Mr. Wells found General McIntosh and Major Habersham awaiting them on the ground where they had been for fifteen minutes. After politely saluting each other, the General produced his pistols and the charge was drawn to show that each was loaded with but a single bullet. Both the principals and seconds refrained from any conversation, except such as related to the business on hand. By this time, a number of curious spectators had gathered on the hillside, and it was proposed to move a little lower down, out of sight. This was done, the ground selected, and the seconds asked what should be the distance. Gwinnett replied, "Whatever distance the General pleases." McIntosh suggested "that eight or ten feet would be sufficient." Three paces were immediately stepped off, to which Major Habersham requested another step might be added, which was done.² It was

¹Governor Wright's house, the little stream and meadow through which it ran are all located on Col. Alexander Campbell's excellent map of the Northern Frontiers of Georgia published in London, 1780. This map has been reproduced in "Letters of Joseph Clay," published by the Georgia Historical Society.

On a visit to the spot in March, 1926, in company with Major William Harden and Messrs. Otis Ashmore and Charles H. Olmstead, officers of the Georgia Historical Society, they were enabled to identify the meadow where the duel occurred. While much of the ground has been built over, the recollections of these gentlemen of the fields and streams as they were fifty or more years ago, enabled them to locate the scene of the duel. The Governor's house stood on the north side of the road leading from Savannah to Thunderbolt, less than a mile from the centre of the city.

²The distance has frequently been stated as twelve paces. Four paces would be approximately twelve feet.

then proposed to turn back to back, wheel, and fire, to which the General answered, "By no means. Let us see what we are about." Immediately, the principals took their stand and agreed to fire as they could at the word. Both pistols were discharged at nearly the same time. Gwinnett was shot in the leg immediately above the knee, the bone being broken, and he fell to the ground. He exclaimed, "My thigh is broken!" McIntosh was shot through the thick of the leg and not thinking his antagonist was worse wounded than himself, asked if his opponent had had enough or was for another shot, to which Gwinnett replied, Yes, if they would help him up. To this the seconds objected, declaring that both had behaved like gentlemen and men of honour. The General was led up to his fallen antagonist, and both shook hands.

The wounded men were removed to their homes. The weather was extremely hot, and it is claimed that, through the lack of skill of Gwinnett's physician, gangrene set in, and he died early the following Monday morning, May 19, 1777. McIntosh was confined to his bed for some time, but recovered from his wound.

It is not known where Gwinnett was buried, nor have we any details of his funeral service. As Rev. James Foley was paid for funeral expenses, the inference is he was the officiating clergyman. It is supposed that his grave is in the old Colonial Cemetery, now called Colonial Park, within the limits of the city of Savannah. His executor provided a gravestone, but this has disappeared. Indeed, there is a newspaper story current that his stone was at one time used as the top of a bar in a grog shop in Savannah. In 1848, when the monument to the signers was erected in the city of Augusta, every effort was made to find Gwinnett's remains in order that they might rest with

those of his associates, Lyman Hall and George Walton, who were interred under the monument.

Button Gwinnett left a sorrowing widow and an only daughter, Elizabeth. His friends were crushed, the leader of the popular party had fallen, and yet, in the midst of the great conflict and turmoil throughout the colonies, it is surprising how little stir this unhappy and unusual event awakened. In great contrast to the flaming headlines such a sensational event would have provoked to-day are the modest items which appeared in the newspapers of the time, as the news found its way northward across the colonies. The South Carolina *Gazette* of May 26th printed the following:

An unhappy dispute having lately arisen between the Hon. Button Gwinnett, Esq., late Governor of Georgia, and General M'Intosh, the commanding officer of the Continental Troops in that State, the same was determined by a Duel between the Parties, with Pistols, last Friday morning se'night, when both the Combatants were wounded. Mr. Gwinnett died of his wound, and was interred yesterday sen'-night; and the General, we hear, lay dangerously ill.

By July 2d, the news had reached Philadelphia and the Pennsylvania *Gazette* carried a dispatch from Williamsburg, dated June 20th, which was as follows:

A letter from Charleston, dated May 24, says a duel has been lately fought with pistols in Georgia, between Button Gwinnett, Esq., late Governor of that State, and General MacIntosh, who were both dangerously wounded. Gwinnett is since dead of his wounds and the General is not out of danger.

Contrary to the usual experience that stories grow as they travel, the news item had shrunk by the time it was printed in the Connecticut *Courant* of Monday, July 7th, in which it appeared in the following form:

Charles Town (South Carolina) May 22.

A duel was lately fought with pistols in Georgia, between Button Gwinnett, Esq; late Governor of that State and General MacIntosh; when they were both dangerously wounded. :

By July 24th, nearly ten weeks after the happening, the *Continental Journal* of Boston published the news in the form of a belated dispatch from Charleston:

Charleston (S. Carolina) May 26, 1777.

An unhappy dispute having lately arisen between the Honorable Button Gwinnett, Esq., late Governor of Georgia, and General McIntosh, commanding officer of the Continental troops, in that state, the same was determined by a duel between the parties, with pistols, when both of the combatants were wounded.

Mr. Gwinnett died of his wounds, and was interred yesterday se'n night, and the General, we hear, lay dangerously ill.

On August 7th, we learn from the Boston *Independent Chronicle* General McIntosh's condition:

Philadelphia, July 19, 1777.

We hear from Georgia, that General M'Intosh was entirely recovered of the wounds he some time ago received in an engagement with the enemy, and lately in a duel with Governor Gwinnett.

Lyman Hall, who was Gwinnett's nearest friend, had written Roger Sherman on May 16th, the morning of the duel, before he had heard of it. In the midst of the confusion and demands on Hall's sympathy and care for the afflicted, the letter was not finished until June 15th, when he furnished details regarding Gwinnett's death. That he was deeply moved at the loss of his associate is shown in this letter. He writes:¹

O Liberty! why do you suffer so many of your faithful sons, your warmest votaries, to fall at your shrine! Alas my friend! My

¹This letter is in the Pierpont Morgan Library, New York. See p. 226 for the letter in full.

friend!! . . . Excuse me, Dear Sir, the Man was *Valuable*, so attached to the Liberty of this State and Continent that his whole attention, influence and interest circled in it and seemed riveted to it. He left a mournful widow and daughter & I may say the Friends of Liberty on a whole Continent to deplore his Fall.

The Gwinnett-McIntosh duel was the first, during the revolutionary period, of such encounters among men of prominence in Savannah and Georgia. Unfortunately it was not the last, and a book has been written with a long list of similar affairs.¹ It is a coincidence that George Wells, who acted as second for Gwinnett, a few years later fell in an encounter with James Jackson, at that time an officer, later a general in the army, and still later a United States Senator.

¹See "Savannah Duels and Duellists, 1733-1877," by Thomas Gamble, Savannah, Ga., 1923. 302 pp.

CHAPTER XVI

THE POLITICAL AFTERMATH

THE death of Gwinnett greatly intensified the bitter feeling between the two branches of the Whig party. The breach became so great that either party would have preferred to see the state return to English rule rather than see its opponents triumph. Those with loyalist leanings openly rejoiced over the difficulties and helplessness of the civil government. General McIntosh, recovering from his wound, hastened to write his friend and former employer, Henry Laurens, who was then on his way to Philadelphia as a delegate to Congress. The letter overtook Mr. Laurens on his northward journey and in it were enclosed the depositions¹ of the two seconds in the duel, which McIntosh had obtained to prevent misrepresentation, which he had reason to expect "from the unrelenting but undeserved malice of the [Gwinnett] party." "When the affair first happened," McIntosh informed Laurens,² "it seemed to give general satisfaction throughout the state to all parties as if our unhappy divisions were thereby at an end." But this was far from being the case. Already Gwinnett's friends were working in the Assembly to bring Chief Justice Glen and other

¹The original deposition of George Wells, unsigned and undated, giving his version of the Gwinnett-McIntosh duel, was for many years in the possession of James H. Manning of Albany, N. Y. The document was sold in the disposal of his collection January 19, 1926, for \$550. Mr. François Ludger Diard of Mobile, Ala., has in his possession what must be nearly contemporaneous copies of the depositions of both seconds, George Wells and Colonel Joseph Habersham. General McIntosh's letter will be found on page 253.

²Laurens's reply to General McIntosh, dated August 11, 1777, noting the receipt of this letter, is in "Letters of the Members of the Continental Congress," Vol. II, p. 443.



Button Gwinnett

*The Spurious Portrait of Button Gwinnett
From a photograph of the original drawing in the Emmett Collection,
New York Public Library.*

magistrates to account for taking no notice of the affray. McIntosh had passed his word to the Chief Justice that he would appear in case any prosecution should be started. McIntosh went on to say that Mrs. Gwinnett had publicly declared that he was altogether "innocent and blameless and that during his convalescence she had often inquired for his health." This is a curious statement and hard to reconcile with the representations of Mrs. Gwinnett, made a month or two later.

Lyman Hall and Joseph Wood, the latter one of the representatives in the Assembly from Liberty County, vigorously urged the arrest and punishment of McIntosh, while Governor Treutlen addressed a long letter to John Hancock,¹ as president of Congress, telling him of the deplorable condition of affairs in the state. He had approved of sending George McIntosh to Philadelphia, and Colonel James Screven, of the Third Georgia Battalion, had issued orders to Captain Thomas Scott and Lieutenants Hancock and Cole to return to Virginia for the purpose of raising recruits and arresting deserters, and to conduct George McIntosh to Philadelphia. Several days were allowed the prisoner to prepare for the journey when, on the day of departure, General McIntosh through Colonel Joseph Habersham, ordered these recruiting officers under arrest. Treutlen was sure "such a stretch of military power will undoubtedly be taken notice of by the honourable Congress, who have always asserted and shown the greatest tenderness to the liberty of the subject and are duly convinced of the subservience of the military to the civil authority." The Governor then secured the services of Lieutenant Colonel Ferrell, who would deliver the prisoner to the order of Congress. But the Governor was

¹Ms. in the Library of Congress. John Adam Treutlen to John Hancock, Savannah, June 19, 1776. This letter is given in full on p. 243.

sadly misled and behind time. George McIntosh fled to the swamps, and hiding in their damp shelter, driven from place to place, spent part of his time seated with his back to a tree and writing on his knee an account of his side of the affair. This was later published as a vindication in a pamphlet "The Case of George McIntosh." Treutlen, in his letter, complains bitterly of the conduct of General McIntosh and in quaint phrase tells of the difficulties of his own position. He writes:

We are surrounded with enemies on every side, and our small friends the Tories, within our bowels, are so very numerous and have such ties of consanguinity that all our efforts against these enemies of American freedom have hitherto been languid and ineffectual. While the command of our Continental troops remains in the hands of the McIntoshes our people will never think themselves safe and even the inhabitants of East Florida will have nothing to fear from us.

As the prisoner had fled and could not be found, the letter was laid aside until such time as prisoner and letter could go forward together.

Outside the Assembly, the popular party was not idle. A petition to Congress covering five pages was prepared, copies made and circulated for signature in the various counties. They repeated the charges against McIntosh, deplored the untimely death of Gwinnett, urged that General McIntosh be sent out of the state, and stated they had never thought him capable of discharging so important a trust, nor had he been remarkable for his zeal in the American cause.¹ They did not mince words or omit names. William McIntosh, who commanded the light horse, had been obliged to resign owing to the clamours of the people

¹Five of these manuscript petitions are in the Library of Congress. They give the names of the leading radical Whigs in the several counties. If the remaining counties sent petitions, they have not been found. That from Chatham County will be found on p. 266.

and the unwillingness of the men to serve under him. Alexander Bailey, a relative, was detected carrying information to East Florida. Another relative named McIntosh was among the Indians and remarkably active in stirring them up and aiding them against the colonists. General McIntosh had shielded and abetted his brother and "by every species of low cunning had endeavoured to prevent his brother being sent prisoner to Philadelphia." It was not malice which prompted the petitioners to sign, they stated, but solely motives of self-preservation and the good of the American cause. They therefore prayed that General McIntosh might be removed out of the state, as nothing could be done that would discourage the enemy more or be a more deadly stroke to the Georgia Tories.

These petitions were numerously signed: that from Chatham County, in which Savannah is located, contains 77 names; that from Liberty County, the home of Gwinnett, was more numerously signed, as would be natural, having 109 signatures, including Lyman Hall, James Dunwoody, later a delegate to the Continental Congress, William Baker, Sr., and William Baker, Jr., and other members of the Council and Assembly. The petitions from Effingham, Richmond, and Wilkes counties had been diligently circulated. In all, 505 of the freemen of the state joined in the petition. To make them more impressive, each was endorsed by the Governor and members of the Executive Council.

While the petitions were being circulated and the signatures obtained, Governor Treutlen again addressed a long letter to Congress.¹ On August 5th, John Wereat, the Continental Agent and a friend of the McIntoshes, delivered a letter to the Executive Council, from which they

¹Ms. letter in Library of Congress. John Adam Treutlen to John Hancock, August 6, 1777. See p. 246 of this volume.

learned that George McIntosh, in order to circumvent the authority of the state, was then several days on his way to Philadelphia. "He has skulked off like a guilty thing," Treutlen wrote. He then told of the appearance, fresh from the press, of McIntosh's vindication which, he said, "is replete with falsehoods and misrepresentations."

George McIntosh's thought in stealing away was that he would be spared the humiliation of being carried as a prisoner, perhaps in irons and possibly riding in a cart on the long trip through the states. He made a quick trip, reaching Philadelphia on August 20.¹

The Governor dispatched William Hornby as an express to Philadelphia with his two letters of June 18th and August 6th, together with an order on Congress for \$20,000 and a request that money be advanced for the messenger's expenses.

Mr. Hornby carried in his saddlebags other important letters and petitions to Congress. If Mrs. Gwinnett had said, as General McIntosh says she did, that he was altogether "innocent and blameless," the intervening ten weeks had brought a great change in her feelings. Her grief had deepened by the dwelling upon it and the growing sense of her loss. She had prepared a petition addressed to "John Hancock, Esqr., President and other members of the Honourable Congress."² She urged that General McIntosh and Colonel Joseph Habersham be cashiered from the army for their participating in a duel and thus violating the rules of war. The article relating to duelling as it then stood³ provided that "No officer or soldier shall presume to send a challenge to any officer or soldier to

¹South Carolina and American *General Gazette*, October 2, 1777.

²A facsimile of Ann Gwinnett's letter to John Hancock will be found facing p. 206. Her two letters and petition to Congress are printed in full on p. 233 and following.

³Section VII, Article 2, adopted by the Continental Congress, September 20, 1776.

fight a duel upon pain of being cashiered." It is readily seen that neither General McIntosh nor Major Habersham was guilty of any breach of discipline, as they had sent no challenge. But Mrs. Gwinnett may not have been aware that the Articles of War had been revised. Those of June 30, 1775, which had been superseded, contained a more sweeping interdiction of this demoralizing custom:

No officer or soldier shall presume to send a challenge to any person to fight a duel: And whoever shall, knowingly and willingly, suffer any person whatsoever to go forth to fight a duel, or shall second, promote, or carry any challenge, shall be deemed as a principal; and whatsoever officer or soldier shall upbraid another for refusing a challenge, shall also be considered as a challenger, and all such offenders, in any of these or such like cases, shall be punished at the discretion of a general court-martial.¹

Under this article both officers were liable to the action of a court martial, which, composed of military men, would hardly have acted harshly upon the shooting down of a civilian who had challenged an officer.

When the Articles of War were revised in the summer of 1776 and were being debated in Congress, there was a body of delegates who were adverse to placing any restrictions on the *code duello*. The army was full of officers, they complained, whose breeding and associations made it difficult for them to act as gentlemen and whose behaviour was a trial to some of their fellow officers. With no restrictions on duelling, it was argued, the officers would resent their own quarrels and this would make the boorish officers gentlemen, or at least tend to make them act as such. It is hardly likely the delegates favouring the duel went so far as to expect the offensive officers would all be eventually killed off, but only that prompt resentment of an insult by a resort to the code would influence their be-

¹Adopted Friday, June 30, 1775.

haviour. In the debate, Edward Rutledge of South Carolina moved to strike out the article forbidding the sending of a challenge, and this was seconded by Thomas Stone of Maryland, but they could not carry their point.¹ The Articles of War adopted by Congress at this time were those of the British Army modified to suit local conditions.

Mrs. Gwinnett also forwarded another petition addressed to Congress which began:

Next to Heaven I apply to your August body for redress on the melancholy sufferings I undergo on account of the cruel death of my husband Button Gwinnett, now no more the late President of Georgia, by whom it has been preserved and for exerting himself to do it they recked his life in various ways.

She then gives the history of the George McIntosh case, and tells of the perplexities which her husband had encountered in the Florida campaign, including the lack of coöperation and the indifference of General Robert Howe. Instead of supporting the efforts of Mr. Gwinnett, General Howe, while in Savannah, spent most of his time with the Tories, William McGillivray and William Telfair, feasting with them and attending their dances. The long letter concludes with an appeal to the "Father of Truth" to bear witness to the truth of her statements. "The blood of the slain cries for vengeance," she concludes, "the widow and orphan in unutterable and inexpressible grief seek to you in the midst of it for relief." A third, more personal, letter to Hancock was forwarded, written in the same strain of almost incoherent grief, indicating a state of mind bordering on distraction, which she, herself, says was the case.

¹Letter of Edward Rutledge to Robert R. Livingston, dated August, 1776. "Letters of Members of the Continental Congress," Vol. II, p. 54.

When William Hornby reached the neighbourhood of Pennsylvania, he found that the British troops were between him and Philadelphia, that the Battle of Brandywine had been fought, General Sir Willaim Howe had taken the capital, and Congress had removed to the town of York. He followed it there and delivered his papers. Burdened with many great affairs, it must have been with some feeling of impatience that the Continental Congress turned aside to consider the bothersome case which loomed so large in Georgia and which must have seemed so small in the midst of the important national troubles of October, 1777.

The great sheaf of papers from Governor Treutlen and Mrs. Gwinnett were read in Congress on October 1, 1777, and referred to a special committee of three consisting of Henry Laurens of South Carolina, Dr. Nathan Brownson of Georgia, and Cornelius Harnett of North Carolina.

October 4th, Congress took the whole subject of Georgia affairs under consideration. The friends of McIntosh, under the leadership of George Walton, the ranking Georgia member, endeavoured to have copies of the charges and depositions furnished to McIntosh so that he might digest them and prepare answers for his defense, but this was voted down.

It was then moved that the committee of three to whom the Governor's and Mrs. Gwinnett's letters had been referred should be discharged, which would have the effect of throwing the subject again into Congress.

This was passed in the affirmative. As showing how Congress voted, and giving the result in this particular case, the tabulation is here given as it appears in the Journals of Congress. The vote was taken by states and

carried six to four with Georgia divided; Delaware and New Jersey were not in attendance:

New Hampshire		Maryland	
Mr. Folsom	ay—ay	Mr. Chase	ay
		Carroll	ay
Massachusetts Bay		Smith	ay
Mr. S. Adams	no		
J. Adams	no	Virginia	
Gerry	no	Mr. Harrison	no
Lovell	no	F. L. Lee	ay
		Jones	ay
Rhode Island		R. H. Lee	ay
Mr. Marchant	no—no		
Connecticut		North Carolina	
Mr. Dyer	ay	Mr. Penn	ay
Law	no	Harnett	ay
Williams	ay		
		South Carolina	
New York		Mr. Middleton	ay
Mr. Duane	no	Heyward	ay
Duer	no	Laurens	no
		Georgia	
Pennsylvania		Mr. Brownson	ay
Mr. Roberdeau	no—no	Walton	no

Of the twenty-six members composing this slim house, only thirteen had been in Congress during the time Gwinnett had been a member; and of these, five—John Adams, Samuel Adams, Harrison, Gerry, and Walton—voted against the friends of Gwinnett.

On the eighth, William Hornby was granted the \$20,000 Continental currency for which Governor Treutlen had sent him, and \$500 for his expenses from and to Georgia, but he probably waited to learn the outcome of the McIntosh case. On the following day, it was considered, and by a vote of eight states to two, with two divided, Congress decided that it had power to try McIntosh, not-

withstanding that he was a citizen of Georgia and the custom had been to send prisoners to be tried in the state where the offense was committed. Maryland and Virginia were the two states which voted unanimously that Congress had no authority in the premises, and that Georgia alone had jurisdiction in the case. Another committee was then appointed, consisting of John Adams of Massachusetts, James Duane of New York, and William Williams of Connecticut, who gave the matter short shrift, and the next day reported that there was not sufficient cause for the detention of the prisoner, and he was accordingly discharged. He returned to Georgia to find his affairs in confusion and his plantation in ruin. But it is hard to see how his misfortunes can be laid to Gwinnett, who had acted only on the positive orders of the Congress.

General Lachlan McIntosh had asked that his letter of May 30th, telling of the duel and his troubles, might be shown to George Walton when Mr. Laurens reached Philadelphia. At this time, General McIntosh knew he could depend on Walton's sympathy and interest. While the petitions were being circulated in Georgia, asking for McIntosh's removal, and long before word of them had reached the North, Walton introduced a resolution¹ in Congress to the effect that General McIntosh be directed to join the army under General Washington, but this was amended, and General Robert Howe at Charleston was directed to order another brigadier to relieve Brigadier General McIntosh and assign the latter some other command. Following this up, on August 5th, Walton wrote General Washington asking if he could not use McIntosh with the grand army. He told Washington that McIntosh was a man of sense and judgment with a great experience of the world, and in point of bravery, fit to fight

¹"Journals of Continental Congress," Vol. VIII, p. 597, Friday, August 1, 1777.

under his banners. Verily, a prophet is not without honour save in his own country! The next day, August 6th, Congress directed General Howe to order General McIntosh to repair with all possible expedition to headquarters, where his service was necessary.

McIntosh was with the army on active duty during the ice and snow of the winter of 1777 at Valley Forge, which must have been a severe trial to one long accustomed to the more genial climate of Georgia. The following summer, he was assigned to command the Virginia and Pennsylvania frontiers, where it was thought his experience with Indian warfare in the South would be useful to him. But here again he was in deep trouble with his subordinates and the inhabitants. Colonel Daniel Brodhead, an experienced Indian fighter and a particular friend of Washington, finally wrote the commander in chief¹ that General McIntosh was unfortunate enough to be almost universally hated by every man in the department, both civil and military. There was not an officer who was not exceedingly disgusted, and as for himself, nothing but the love of his country would keep him there. Washington made a patient, kindly reply, urging that good understanding should be maintained and saying, what he repeated later, that while General McIntosh was immediately under him "his conduct gave me the most favorable impression in every respect." In 1779, General McIntosh joined the Southern Army under General Lincoln. Again the Executive Council of Georgia petitioned Congress that, for the common safety, General McIntosh be sent elsewhere and telling Congress "the people at large in the state had such a repugnance to him that the militia would not turn out under his command." He was not, however,

¹Col. Daniel Brodhead to Washington, Fort McIntosh, January 16, 1779, ms. letter in the Library of Congress. See p. 275 for a full copy of the letter.

sent away, but took part in the siege of Savannah, was captured at the fall of Charleston, exchanged for General O'Hara of the British Army, and was stationed in Virginia until the close of the war. He returned to Georgia in 1782, and continued to reside with his family until his death, February 20, 1806. He was elected to Congress in 1784, and served on the commission to settle the boundary between Georgia and South Carolina. His home is still standing in the beautiful city of Savannah, and his well-marked grave is in the Colonial Cemetery, where also the bones of Button Gwinnett, the victim of his bullet, are supposed to rest.

On June 7, 1777, the Georgia Assembly proceeded to fill the vacancy in the delegates to the Continental Congress caused by the death of Gwinnett, when Joseph Wood of Liberty County was selected. The delegates, in the order of their election, were: Dr. Nathan Brownson, Edward Langworthy, Joseph Wood, Dr. Lyman Hall, and George Walton, making three—Brownson, Wood, and Hall—from Liberty County. Langworthy and Wood proceeded to Congress together, taking their seats November 17, 1777. John Houstoun succeeded John Adam Treutlen as Governor of Georgia, but a week before the close of his term Savannah had been captured by the British Army and the revolutionary government was in flight. The Assembly was summoned to meet in Augusta, but, before it could get together, that town was captured as well. Houstoun, under the Constitution and under his oath of office, could not continue to serve until his successor was elected, the Assembly could not meet, and the affairs of the state were in the utmost confusion. By July, 1779, a minority convention assembled, appointed a Supreme Council to act until a government could be regularly established, and in August elected John Wereat, the Continental

agent, governor. The differences between the parties were still further roused by this move. George Walton, George Wells, who had acted as Gwinnett's second in the duel, Richard Howley, a Liberty County man, as leaders, and their partisan friends, assailed the irregularly appointed council, charging that they were usurpers, that some of them were disloyal and in sympathy with the Tories. This party in turn held irregular elections, gathered an assembly, and elected George Walton governor.

Walton's political affiliations had completely changed. From being one of the leaders of the conservative Whigs in their opposition to the Gwinnett party and in their support of General McIntosh, he had become the leader of the radical party. His biographer will have to explain an ugly incident in which Walton is accused of forging the name of William Glasscock, the Speaker of this irregularly elected assembly, to a letter to the Continental Congress denouncing General McIntosh. This executive council, with Walton presiding, sent resolutions¹ to Congress demanding that, for the good of the cause, General McIntosh should again be sent out of the state. The latter was the storm center of the resentment of the radical party, as Gwinnett had been of the conservative Whigs, up to the time of his death.

On Walton's election as governor, there were then two governors and two executive councils, and the affairs of the state were paralysed. The cleavage between the parties which, starting with the first movement for revolution, had its greatest wedge inserted by the provoked and unfortunate death of Gwinnett, continued for years to influence adversely the politics of the state.

The distracted state of affairs in Georgia afforded great satisfaction to Governor James Wright, then living in

¹"Revolutionary Records of Georgia," Vol. II, p. 185.

London. He had been arrested by the Council of Safety and paroled with his family in his home in Savannah, but here he had been insulted, and the troops who were guarding the executive mansion had amused themselves by firing their guns through the windows of the house.¹ Sir James's two daughters were with him, and thus exposed to the danger of being shot by a stray bullet. Under these circumstances, the deposed governor had no compunction in breaking his parole, escaping through the back garden, finding a boat provided by willing friends, and making his way to the British war vessels lying off Tybee Island, at the mouth of the Savannah River. He made his way to Nova Scotia and from there to England. From his home in Somerset Street, he sent a letter to Lord George Germain, giving the latest gossip from Georgia, in which they were both so deeply interested. His letter is dated October 8, 1777. He says:

Somerset Street, 8th Oct. 1777.

Having lately received letters of the 26 July from St. Augustine sends the following information obtained from William Brown late Comptroller and Searcher at the Port of Savannah. Lachlan McIntosh [the Rebel General in Georgia] is in confinement for killing Gwinnett. Geo. McIntosh [a great Rebel] being informed there was an intention to send him to the Northward to be tried for selling Provisions for the use of the Governor at St. Augustine has absconded and a party of soldiers are living at Free Quarters on his plantation.

William McIntosh [a great Promoter of the Rebellion] with his Negroes had got over the River Altamaha supposedly on his way to Florida but was pursued and overtaken and his Negroes all carried back, he escaped himself but has not been heard of since and its supposed was either in the woods or had fallen into the hands of the Indians.

The Carolinians taking advantage of the disputes in Georgia, the

¹Idle and undisciplined soldiers seemed to take delight in aiming at objects in the air. The weathervane, a crown of George III, still surmounting the old public school of Germantown, was a favourite target for both British and Continental marksmen, while the leaden cock that surmounted the tower of the church which Washington attended while in Germantown is pierced by several bullets from the soldiers' guns.

death of Gwinnett and the disgrace of the McIntoshes, who all violently opposed the former attempt to unite Georgia to Carolina, mean to revive the matter and to send General Moultrie to enforce it, if they cant otherwise accomplish it.

Robert Baillie, a warm friend of government, is in confinement in Savannah. . . .

My Lord from the divisions and distracted state of the People and Things in Georgia, it seems the most favourable opportunity of reducing that Province to his Majesty's Obedience. Your Lordship will be pleased to remember that when the attempt was made in January last to prevail on the Georgians to agree to an Union with Carolina and that the two Provinces should in future be considered one state as they call it, Mr. Drayton threw out that it was in the Power of Carolina to *Compel* Georgia to submit on which if they had not immediately decamped, he and his colleagues would have been tarred and feathered and many of the Principal Inhabitants then declared that if force was used by Carolina they would send to Governor Tonyn for assistance and submit to Great Britain rather than to the Province of Carolina and now your Lordship sees that the Carolinians taking the advantage of the weakness of the Georgians occasioned by their Divisions are renewing the scheme and with an intention to carry their point by force.¹

On the capture of Savannah by the British Army in December, 1778, the rule of the King was restored and Sir James Wright returned to Georgia and resumed his authority. The loyalists and the wavering Whigs rallied around him, the Continental authority almost entirely disappeared in the state, and for three years he continued in absolute control, remaining in Savannah nearly nine months after the surrender of Cornwallis at Yorktown.

¹Letter from Sir James Wright to Sec'y Lord George Germain. Reprinted Georgia Historical Society, Vol. III, 1873.

CHAPTER XVII

TANGLED FAMILY AFFAIRS

NO MORE troublesome financial task was ever given a friend than that which fell to Lyman Hall as executor of Button Gwinnett's estate. The will, which had been prepared when Gwinnett had expected to take part in the dangerous military expedition against Florida, was dated Savannah, March 15, 1777. It began: "I'm sound in body and mind for which I am under obligations to the Supreme Being, how long I shall remain so God only knoweth." He directed his just debts were first to be paid, then one half his property was to be equally divided between his wife and daughter, while the other half was bequeathed to Rev. Thomas Bosomworth, he first to give a receipt for all demands. Gwinnett was still indebted to Bosomworth and one half his estate would still not discharge the obligation. The will covered only Gwinnett's estate in America, but if there were other property in England and another will disposing of it, a careful search has failed to locate it.

Rev. James Foley witnessed the will when it was first drawn, but it had apparently been laid aside until the evening preceding the duel, when two good friends, William Hornby and Thomas Hovenden, also witnessed it. Gwinnett handed the will to the former, asking him to keep it, and telling him, if anything should happen, he was to read it and he would know what to do with it. Thomas Savage, an old friend who lived in Charleston, and Gwinnett's tried friend and associate, Dr. Lyman

Hall, were named coexecutors. Mr. Savage waived his right to serve, so that the whole duty fell upon Doctor Hall.

But little has been said heretofore in these pages regarding the Gwinnetts' home life. The inventory of the estate made soon after his death, which is our only source of information, disclosed the household equipment of a refined but modest planter's establishment. There were linens, a "teaster of vallants & a pavillion," a small sword for dress occasions and a pair of pistols, decanters and wine glasses, a phaëton and pair of horses, a saddle horse, "Chickasaw"; and there were mahogany beds, tea tables, desks, and chairs. The library was an extremely modest one which included "Thomson's Seasons," four volumes of Blackstone, and an appendix, "Jesuit's Travels," a spelling book and grammar, two volumes on agriculture, and a book called "Life and Death." There was Jacob's Law Dictionary and three general dictionaries. Junius's Letters, a psalter, and cartridge paper were lumped together and valued at six shillings.

Living on an island, communication with the mainland was essential, and this was provided by a small schooner called *Beggar's Benison*, a yawl with sails, and two row-boats. A spyglass was included in the equipment of the house, as well as a gun for defense and hunting.

Of the produce of the plantation, a considerable portion had been taken or destroyed by the enemy after Gwinnett's death, and before the inventory was made. What was left of indigo, one of the principal crops of the plantation, the potatoes, corn, and a little rice were valued at £830. The indigo sold for twelve shillings and sixpence a bushel. Two horses, some cattle, a small stock of hogs, and fifty sheep composed the livestock, a sad remnant of the herds that had once roamed through the woods of St. Catharines

To be Leased for a Number of Years,
THE VALUABLE ISLAND of ST. CATHERINE,
with the STOCK and CATTLE, and the USE of
the TIMBER.—For particulars enquire of the Rev. Mr.
Bosomworth on the said island, or of GREY ELLIOTT.

*From the Georgia Gazette,
October 3, 1765.*

THE Sale of the THIRTY SLAVES belonging
to the Estate of Button Gwinnett, Esq; is un-
avoidably postponed until Wednesday April 21, at which
time they will be sold, as advertised, without reserve,
at Mr. Strickland's.

*From the South Carolina Gazette,
Charleston, 1779.*

To be sold at Public Vendue, on the 14th Day of March next,
A Parcel of valuable SLAVES, in number 20 or 30 at
Mr. Strickland's; part of them belonging to the es-
tate of BUTTON GWINNETT Esq; deceased, late of
Georgia.

*From the South Carolina Gazette,
Charleston, 1779.*

Clippings from Contemporary Journals

as Gwinnett's property. The chief asset of the estate consisted of slaves. Of these there were sixty-one men, women, boys and girls, and infants. Their names make a curious collection. Of the days of the week, there were Monday, Tuesday, Wednesday, and Friday. There were Caesar, Cato, Cupid, Scipio, Sylvia, and Phyllis. Of Biblical names, Daniel, Job, and Lazarus. There was a Bengo, Congo, Mingo, Cumbo, and Quanimbo. Some had been named for famous persons: Stafford, Franklin, Prince, and Bacon. Then there were the usual common cognomens: Moll, Betty, Fanny, Will, John, Sam, Joe, Ned, Jack, Bob, and many others. They ranged in value from Moll, a mulatto "wench," probably a home servant, at £120, to Caroline, a little girl, at £35. The average appraisal was about £50 and the total, £3,375, was considerably more than half the value of Gwinnett's property, which amounted to £5,136 19s.

In order to raise cash for the immediate necessities of the estate, such of the household and farm chattels as Mrs. Gwinnett did not immediately need for her personal use were sold at public vendue at Sunbury on August 14, 1777. Lyman Hall himself purchased the set of Blackstone's "Commentaries," and Rev. Thomas Bosomworth bought the flock of sheep. David Montaigut secured the two volumes relating to agriculture. Thomas Mills paid £490 for the phaëton and pair of geldings, while Levi Sheftall, with whom Gwinnett had business relations, bought the *Beggar's Benison* with all the schooner's tackle and furniture. In November, eighteen of the slaves were taken to Savannah and sold at public auction.

With the money thus obtained, the executors paid over to John Wereat, the Continental agent in Georgia, £2,513 19s. 3d. in Continental currency, being money which belonged to the Continental Congress, and which was in

Gwinnett's hands at the time of his death. At this time, Continental money was at a premium of 8 per cent. over Georgia currency. About the same time, John Neufoille of Charleston, S. C., who, in 1774, lent Gwinnett a large sum, was paid on account of the debt owing him, £1,960 15s. 11¼d.¹ A long list of minor debts was discharged, including moneys owing Fitzpatrick, one of the overseers, and Roderick McIntosh, probably a superintendent also, for wages; and the expenses of the sexton, the minister, and the doctor. The executor credited himself with £6 7s. 6d. for erecting a monument over the grave, and charged himself with £1,471 10s. cash, which was in the house when Gwinnett died. Rev. Thomas Bosomworth also handed over £1,530, which was in his possession and which belonged to the decedent. John Houstoun, Esq., was paid £7 10s. for legal advice regarding the will. Rev. Thomas Bosomworth received £6 for beef for the slaves at Christmas-time, while 161 yards of oznaburgs were bought to dress properly that portion of the Negroes taken to Savannah and sold at auction. Those who remained required 192 yards of the same material for their clothing.

Another public vendue of personal property was held at Sunbury in April of 1778, at which the remaining household effects were largely bought in by the widow, Mrs. Gwinnett. At this auction sale, the riding horse Chickasaw was sold. He may have been a historic horse if he made the trip to Philadelphia, conveying his master to the Continental Congress.

The safety and care of the slaves on the exposed island were a great responsibility for the executor. During the attack on Liberty County by the British forces from St.

¹This debt was secured by three separate bonds; one of the originals is in possession of the University of Pennsylvania in the Mills collection and another in the collection of Dr. John W. Garrett, of Baltimore, Md. Both show several payments on account of the principal and interest.

Augustine in 1778, the Negroes were brought off from the island and taken by the executor to his plantation. Thomas Bosomworth had some of his slaves carried off at this time. Savannah was captured by the British troops under Colonel Archibald Campbell, December 29, 1778. Lyman Hall moved over into South Carolina to Pon Pon, and presumably the Gwinnett slaves were taken along. Lyman Hall's residence in Sunbury and his plantation near Midway Meeting House were despoiled, and the whole coastal region was overrun.

On April 21, 1779, after being duly advertised in the local paper, the balance of the slaves were sold at auction in Charleston, S. C., realizing £71,080, in South Carolina currency, which was then greatly depreciated, this large sum being equivalent to only £1,050 11s. in specie. For advertising the sale and one postponement in the *South Carolina Gazette*, the bill was £6 10s. As a sidelight on the customs of the times, handbills of the sale were printed and distributed at a cost of £20, while £66 were spent for liquor freely dispensed at the vendue. Numerous suits were brought or threatened, and there was a list of claims against the estate which never were paid. With the unsettled condition of Georgia for several years, the death of several creditors and debtors, the differing value of the currencies of the two states and of the Continental money and the depreciation of all, the task was a most troublesome one. After peace was declared, Doctor Hall, with his own estate much impaired, had his living to make as a physician, and he was more or less occupied with public duties. He became Governor of Georgia in January, 1783, and later a judge of one of the inferior courts in Savannah.

In May, 1777, and probably soon after her father's death, Miss Elizabeth Gwinnett, the only child, was sent to Charleston to school. She was under the care of an old

friend of the family, Thomas Savage, and probably a member of his household. Thomas Savage had been born in Bermuda but had settled in Charleston, where he was an important and successful merchant. In 1767, he made extensive purchases of land on the Ogeechee River in what is now Bryan County, Ga. He was carried off by the British to St. Augustine in 1780, and kept there on parole for nearly a year. In the meantime, his family, left behind in Charleston, had soldiers billeted on them and were subjected to extreme annoyances. Later, with many others, they were sent by sea to Philadelphia, where they remained until rejoined by Mr. Savage. After the British evacuation, all returned to Charleston. Mr. Savage spent his winters and springs on his plantation, Silk Hope, in Georgia, endeavouring to rebuild his shattered fortune.

A letter is extant from Mrs. Gwinnett,¹ which discloses that the daughter was called "Betsy." At one time, Mr. and Mrs. Levi Sheftal of Savannah were contemplating a trip to Charleston, and Mrs. Gwinnett hoped they would have a pleasant journey and make a special effort to see Betsy Gwinnett, and when they returned it would be a particular favour if she could hear from them. She also gave them the number of her watch, which had been in the hands of the watchmaker, and asked that they bring it with them. Lyman Hall purchased a horse for Mrs. Gwinnett in July of 1778, made some payments which might have been for her board in Savannah, and gave her £50 in cash, all of which would indicate that this was about the time Mrs. Gwinnett removed to Charleston. She had retained Tom, one of the slaves, as a servant.

March 26, 1779, Miss Elizabeth Gwinnett, then but a little more than seventeen, married² Peter Belin of Santee,

¹In the collection of Mr. Louis Bamberger, Newark, N. J.

²Record kept by Colonel Isaac Hayne.

in Charleston. The Belins were Huguenots, and the name is pronounced "Blain." An Allard and a Peter Belin had both been naturalized in England by letters patent toward the end of the Seventeenth Century, and the name appears in South Carolina as early as 1695. An Allard Belin of a later generation, in 1744, married a Margaret Robert who was a daughter of Peter Robert, who had married Mary Lynch of the Lynch family, from whom came Thomas Lynch, Jr., the signer of the Declaration. It is presumed they were the parents of Peter Belin, who in 1769 entered a memorial, or abstract of title, for 1,400 acres of land in Prince George Parish, Winyah, S. C., reciting that he had bought it of Mrs. Mary Smith, widow of Landgrave Thomas Smith.¹ A Peter Belin, probably the same, appears in 1771 as a surveyor in the Georgetown district, where the family were among the earliest settlers in Santee swamp, and from them Belin's Lake took its name. The same year, Peter Belin leased land in Prince George Parish, and in 1774 he is described as a "planter."

Peter Belin and his wife settled in Charleston, where, in the fall of the year of their marriage, he is described as a merchant,² and in a later deed of 1781, by which he and his wife sold a lot on Church Street, he is described as "gentleman," a term which, in those days, usually meant a person who was not in active business but living on his money. Two years later, in still another conveyance, he is again designated as a "planter of All Saints Parish, South Carolina."

Mrs. Gwinnett, soon after reaching Charleston, became involved in a financial quarrel with her son-in-law. She brought suit against him in the South Carolina courts and

¹Memorials in the office of the Historical Commission of South Carolina, Columbia, S. C.

²In a deed dated September 8, 1779, by which he and his wife sold to John Sutcliffe a lot on Broad Street, Charleston. Deed Book, F. 5, p. 303.

Dr. Lyman Hall, as the executor of the estate, was included as a defendant. The latter's expenses from "Chevau Hill," S. C., where he was then living, to Charleston, to defend the suit, cost the estate £269 15s., while lawyer Hugh Rutledge received £500 as his fee, and there were other expenses. Ann Gwinnett died in South Carolina sometime after 1780, and her daughter Elizabeth Belin survived her but a few months. In the spring of 1785, Peter Belin made a trip to England to settle the estate of his mother-in-law, he having become her heir through the death of his wife.

Ann Gwinnett's will¹ had been made in 1770, and a codicil written in Charleston, in 1780. Her mother, Mrs. Sarah Bourne, was to have Mrs. Gwinnett's property for life provided she did not allow David Jones, the old family servant, to use the sitting in the Collegiate Church in Wolverhampton. Should David Jones be allowed to sit in it, then she was to forfeit every claim. Mrs. Gwinnett also directed that several loans of money to her husband should be paid out of her estate provided Mr. Gwinnett had not already paid them himself. The codicil of 1780 indicates an entire lack of confidence in her son-in-law Peter Belin. She implored her executors to "act and defend the innocent and just orphan," Elizabeth Belin, and her property was to be separate and apart from that of her husband, who was strictly forbidden to have anything to do with it "on any account or pretense whatsoever."

Of the subsequent career of Peter Belin but little is definitely known. He returned from England to South Carolina, and in 1786 was advertising in the *Charleston Morning Post*² windmills that would allow the sails to take the full force of the wind. Five mills were to be erected

¹On record in the Prerogative Court of Canterbury, England.

²The issue of June 10, 1786.

immediately within two miles of Charleston; one was going up to run a saw and also would freshen the salt-water marsh land, apparently by pumping fresh water upon it. In the spring of that year, the South Carolina Assembly, by an Act,¹ invested in him and his heirs exclusive rights in three certain water machines which he had at much time and labour discovered. A tradition in the family² states that Peter and his brother, Allard Belin, who was a prominent man in Charleston, lived together until Peter played so many practical jokes on him that they parted company. Tradition further says that Peter Belin married the second time on a trip to England, and on the way home he was lost at sea. If this is so, he apparently made a second visit to England, as we have seen that he returned safely from the voyage which he made across the water to settle his mother-in-law's estate.

From his early activities in real estate and as a surveyor, we conclude that he was much older when he married than his wife Elizabeth, who was but little more than a school-girl. It is not known whether there were any children by the marriage of Peter and Elizabeth (Gwinnett) Belin, nor is it known where the wife and daughter of Button Gwinnett are buried. With Ann Gwinnett's death, the name disappears from American history.

Dr. Lyman Hall died October 19, 1790, leaving a widow and one son, both of whom, in a short time and while the Gwinnett estate was still unsettled, also died. Rev. Thomas Bosomworth had also passed away, and a number of other creditors as well. As late as 1786 Samuel Miller's estate was suing Lyman Hall, executor, for loans and interest on the same from 1767 to 1774, while the following

¹The water machines are minutely described in an Act of the Assembly of South Carolina which is dated March 22, 1786.

²Letter from Miss Alice Flagg of Plantsville, S. C., to Miss Isabelle de Saussure, Charleston, S. C.

year Doctor Hall was advertising in the Georgia paper, endeavouring to sell Sutherland Bluff, part of the Gwinnett real estate. This was a tract of 1,000 acres on the Sapelao River, which, at one time, Gwinnett had hoped might become a navy yard for the construction of vessels for the American Navy. It has the advantage of unlimited supplies of excellent timber, with deep water in the river close up to the banks, but its exposed position and liability to attack from Florida precluded its permanent use for such a purpose, to say nothing of the difficulty of obtaining skilled labour to work such an isolated shipyard. It was not until many years later that the papers in the Gwinnett estate were finally filed in the Chatham County Court of Ordinary by Doctor Hall's administrators. One of the many unpaid bills against the estate has come to light as this is written.¹ The bill is from the estate of Patrick McKay against the estate of Button Gwinnett, deceased. The charges began in 1766 with six flasks of olive oil and one hogshead of rum. There were other items; only one holds special interest, that being a charge of £3 for a small gun which McKay had lent to Gwinnett as he was leaving his home to attend the Continental Congress, and which had never been returned to the obliging owner.

¹In the collection of the late Colonel James H. Manning of Albany, N. Y., and sold in New York at auction, January, 1926. Now in possession of the author.

Savannah. March 16th 1791.

I'm joined in Body and Mind for which I am
the highest obligations to the dearest Bie
long I shall remain as had only husband
the Disposal of my Property both real & Personal
in the Following manner —

First Let all my Just Debts be Discharged & then
one half of my Real and Personal Estate remain-
ing be divided between my Wife and Daughter
in equal shares —

The other Half of my Estate both real & Personal
shall belong & be disposed of to the Rev^d
Mr Tho^s Wadsworth his Heirs and Assigns for
ever he the said Tho^s Wadsworth first giving ac-
count in full of all ^{other} Demands —

This is my last Will and Testament and I hereby
revoke all other wills and Codicils —

The above is only intended to convey my Estate and
Amorres —

I hereby Appoint Tho^s Savage and Symon Wall Esq^s
as Executors to this my last Will and Testament —

Witness

Jos Galy

W^m Thompson

Thos Hooten

Button Gwinnett

Button Gwinnett's Will

This contains more of Gwinnett's penmanship than any of his other extant writings. Reproduced from the original in the Pierpont Morgan Library.

CHAPTER XVIII

A WHIG TO EXCESS

THERE is no known authentic likeness of Button Gwinnett, nor is it likely any portrait of him was ever painted. The Print Division of the Library of Congress has had on public exhibition for more than a year a photograph of a portrait purporting to be that of the Georgia signer. The statement was made that the original from which it was taken was in the possession of a well-known collector in Philadelphia. Inquiry from him discloses the fact that he has not now, nor has he ever owned, a painting of Gwinnett.¹ In 1869, Dr. Thomas Addis Emmett of New York City, a great collector of autographs, in order to have an engraved portrait to accompany the autograph of each signer, commissioned an artist, H. B. Hall, to make a number of suppositive portraits, and Button Gwinnett is one of them. Presumably, Mr. Hall used as his model the description of Gwinnett written by M'Call in Sanderson's "Lives of the Signers." It seems hardly fair to discredit generally M'Call's sketch of Gwinnett, and then to make use of the description of his appearance which was supplied him by someone raking over the coals of memory for an impression of the man who had been dead for fifty years. M'Call thus describes him:

He was about six feet in height, and his person was properly proportioned, lofty and commanding. Without possessing remarkable eloquence his language was mild and persuasive. His manners were polite and his deportment graceful.

¹Letter of Hon. Hampton L. Carson to C. F. Jenkins, March 30, 1925.

Nothing further has been found by the writer anywhere which would add to this description or controvert it in any way.

Reference has been made elsewhere to Trumbull's painting of the signing of the Declaration. A French engraving of this famous picture, which hangs in the Capitol at Washington, is accompanied by a key which is not without an element of humour. Several members are shown in the key whose portraits do *not* appear in the painting, with the statement that they are seated back of the standing members and therefore cannot be seen. Button Gwinnett is among this group of invisible members.

It is a trite saying that actions speak louder than words. It would be well if this were entirely true, for, after the lapse of one hundred and fifty years, it is in Gwinnett's doings alone that we can glean any insight into his character. One of the outstanding characteristics of the man was his sanguine temperament, as shown by his financial operations. Fortune was always just within his grasp and always eluding him. He hopefully undertook new ventures and assumed overwhelming burdens in expectation that he could easily carry them. He gave up his mercantile pursuits to follow the occupation of a planter, for which he had insufficient capital and no previous training. The vision of a great estate dazzled his imagination, while the practical difficulties of inexperience and inaccessibility had not impressed him.

He had warm and devoted friends, for he had no difficulty in paying his old accounts with funds from newly created creditors. In his public career, he had had but little training or experience. The few books which composed his library betoken but little time for study in the hurry of his mercantile career or in the worries of a planter's life on the island. Brought up in an educated and

refined home, he had the background of culture and a good presence in his social contacts. His handwriting betokens early practise and continued training, and a strength and vigour above the average. His spelling is that of an educated man in a day when poor spelling was the least of faults.

He had natural talents as a speaker and the qualities of leadership. John Adams welcomed him as a powerful addition to the party in Congress eager for independence and immediate action, and labelled him a sober and sensible man. If he did not create a deep impression on his associates in Congress, he did not, on the other hand, arouse their animadversions.

He was ambitious, and as his influence grew and honours came to him, there was a lack of that suavity and condescension which might have brought to his support those whose jealousy or misgivings had been aroused by his rapid rise. With a singleness of purpose when once embarked in the cause of independence, he had scant regard for those whose motives he mistrusted.

Of his family life, nothing has been disclosed, and it would be hazardous to suggest it was not of the happiest. There were long separations when Gwinnett was absorbed in creating a new home or away on mercantile ventures. Mrs. Gwinnett's family and antecedents did not measure up to the social standard of the Gwinnetts. On the other hand, the wife and her family had a clearer conception of financial obligations, for, in her will, she provided that three sums which Gwinnett had borrowed from her friends should come out of her little estate in case Gwinnett did not repay them. The only child, Elizabeth, is but little more than a name.

Had Gwinnett been a little less filled with the spirit of the Liberty Boys, a little more tolerant and politic, he

would undoubtedly have lived longer, with a future which had great promises of usefulness. His early biographers likened his career to a meteor, which, rising out of the east, flamed with ever increasing brightness across the zenith and plunged swiftly into darkness. It must be clear to those who have followed these pages that he looms far larger in national and state affairs than his early biographers have drawn him. His devoted friend, Lyman Hall, sums up the defect of his public career in writing to their mutual friend, Roger Sherman, when he says "Gwinnett is if possible, a Whig to excess."

CHAPTER XIX

THE KNOWN SIGNATURES OF BUTTON GWINNETT

THE autograph of Button Gwinnett figures in a story connected with Israel K. Teft of Savannah, Ga., one of the earliest American collectors of autographs. The incident explains how he completed his set of the Signers, among the first to be brought together. Mr. Teft, walking out of Savannah to a neighbouring plantation to attend to some accounting work and approaching the house, picked up a piece of paper which, blown by the wind, was skipping and fluttering across the yard. He was startled to discover it contained the autograph of Button Gwinnett, even then recognized as one of the rare names among the Signers, and the only one he lacked to make his set complete. Mr. Teft put the paper in his pocket, and when the owner asked him the amount of his fee, he replied: "Nothing, if you will allow me to keep this piece of paper I found on your lawn." The owner replied he was welcome to it, that its writer once occupied the place, and the servants had been cleaning the garret of old papers, of which this was a waif. Mr. Teft was able later to supply several other Gwinnett signatures to his friends and correspondents.¹

It is a coincidence that the number of signatures of the two rare Signers, Button Gwinnett and Thomas Lynch, Jr., should be about equal in number. But there is no comparison in the historic interest which is collateral to

¹This story is told in Dr. Lyman C. Draper's "Autographic Collection of the Signers," p. 13.

the names attached to the various documents and papers presenting these autographs. Almost all of Lynch's signatures are simply his name cut from the flyleaves of books from his library. But three of the Gwinnett autographs in the following list are cut signatures. The supply of both autographs would seem to be exhausted, but the writer has always hoped that, somewhere in England, there might still be found letters from Gwinnett written to his father, or brother, or sister, all of whom were living during his own lifetime, telling of his experiences in his American home and his connection with colonial and national events. But until such should be found, or other sources uncovered, the list below gives all that are known at the present time.

1. The signature of Button Gwinnett to the Declaration of Independance. On exhibition in the Library of Congress, Washington, D. C. The three Georgia Signers occupy, alone, the first column (to the left) of the six columns of names. They signed in the following order:

Button Gwinnett
Lyman Hall
George Walton

It is thought Gwinnett's signature was attached on August 2d, the day the engrossed copy was ready for signing.

2. The signature to the so-called "Secret Pact" by which members of the Continental Congress bound themselves not to disclose any of the votes or proceedings. This document contains eighty-seven signatures of members of the Old Congress and is signed by fifty of the men who signed the Declaration of Inde-

pendence. The Signers of the Declaration who did not sign the "Secret Pact" are: Philip Livingston (N. Y.), Richard Stockton (N. J.), and four Pennsylvania members, John Morton, George Ross, James Smith, and George Taylor. The document is preserved in the Manuscript Division of the Library of Congress, and its existence seems not to be known generally. The document is endorsed "Engagement of the Members of Congress to Secrecy." The pledge as already recounted in Chapter VIII, is as follows:

In Congress Nov. 9th, 1775. RESOLVED: That every member of this Congress consider himself under the ties of virtue honor & love of his Country not to divulge directly or indirectly any matter or thing agitated or debated in Congress before the same shall have been determined, without leave of the Congress; nor any matter or thing determined in Congress which a majority of the Congress shall order to be kept secret, and that if any member shall violate this agreement he shall be expelled from this Congress & deemed an enemy to the liberties of America & liable to be treated as such & that every member signify his consent to this agreement by signing the same.

John Hancock's name appears first. Nine members added the date of their signing after their names, the latest being that of William Duer, June 5, 1777. The names of Lyman Hall and Button Gwinnett are joined by a bracket with the date May 20th (1776), which was the day of their arrival in Congress. George Walton signs next after Abra. Clark, who it is thought took his seat June 28, 1776. In 1918 an organization was incorporated called "The Order of the Descendants of the Signers of the Secret Pact or Prior Declaration of Independence."

3. Autograph document signed. In the Emmett Collection in the New York Public Library. This is a

bill for merchandise when Gwinnett kept a store in Savannah.¹ It would seem that this document bore two signatures of Gwinnett, one in the body of the bill and the other the receipt, the slight difference in chirography which exists being accounted for by the interval of three years between the date the bill was made out and the date it was paid.

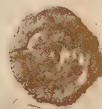
4. Document signed. In the Gratz Collection in the Historical Society of Pennsylvania. "A Representation respecting Mr. Joseph Rice made at his request by the subscribers from Georgia." Rice desired to enter the Continental service in Pennsylvania, in order to be near his family. Dated Philadelphia, 22d July, 1776. In the handwriting of George Walton, signed also by Button Gwinnett, to which are added four lines of endorsement in the writing of Lyman Hall and signed by him. A most interesting document.
5. Document signed. In the Gratz Collection of Members of the Old Congress in the Historical Society of Pennsylvania, Philadelphia. The joint application of Samuel Farley and Button Gwinnett to the Council of the Colony, on one of the printed forms provided for the purpose, for 500 acres; 250 acres of plantation land and an equal amount of pine land. Date March 5, 1765.
6. Document signed. In the Dreer Collection in the Historical Society of Pennsylvania, Philadelphia. A partly printed bond given to "Edward Mease of Pensacola, Esquire" for £1,900 at 8 per cent. in-

¹The bill is given on p. 24.

in the Bureau of Georgia records the day and
has just above written

Button Gwinnett's Signature
and declared at his own
instance, since no right
taper was to be had by the
notary at his last house &
in the absence of the
notary at his last house and in the
absence of each other have
signed our names as witnesses
to the above said
being first introduced

Button Gwinnett
and Mary
and signature



Sam. T. Gwinnett

Button Gwinnett's signature as witness to a will. At auction this item brought \$22,500, the record price for an American autograph.

No 385

Button Gwinnett — of [ibis] Parish Barche lor aged
22 Years ago [ibis] and Ann Bourne — of [ibis] were
same [ibis] aged 22 Years
Married in this [Church] by [Licence] from the Exogamous Court of the
City the nineteenth day of April — in the Year One Thousand Seven Hundred
and fifty seven — by me — John Kaye [Clerk.]
This Marriage was solemnized between Us [Button Gwinnett]
In the [ibis] [ibis]
Presence of [ibis] [ibis]

Button Gwinnett's marriage registry, containing an autograph hitherto overlooked in the Collegiate Church, Wolverhampton.

Button Gwinnett
Lynah Hall
Geo Walton.

Button Gwinnett's signature to the Declaration of Independence.

Three Gwinnett Signatures

terest, dated April 25, 1770. Signed and sealed by Button Gwinnett.

7. Document signed. In the collection of the Maine Historical Society, Augusta, Me. Articles of agreement between Button Gwinnett and Robert Porteous of Beaufort in the Province of South Carolina for the sale of St. Catharines Island for £5,250, dated February 5, 1773.

8. Document signed. In the State Historical Society of Wisconsin;

Savannah, May 6th, 1777.

SIR

Please pay to Mr. Samuel Stirk or Order the Sum of Sixteen pounds thirteen shillings and four pence, it being for his Service as Clerk of the Council.

BUTTON GWINNETT President.

To
the Surv'g Treasurer

Received this 6th May 1777 the full content.

SAML STIRK

9. Document signed. In the Roberts Collection, Haverford College, Haverford, Pa. A bill for services to the State of Georgia as follows:

THE PUBLIC to JAMES MAXWELL, JUNR.

Dr.

1776

Dec. 18th To my attendance in Convention

12 days at 5/

2 days Coming & Going

£3-

10

£3.10-

Sworn before me this

18th Dec. 1776.

ANDREW ELTON WELLS, J. P.

JAMES MAXWELL

Savannah 23 December 1776 Received of Ewen & Bryen the full contents WM. WRIGHT,

In the lower right hand corner is this notation "From Mr. Teft in 1839. J. H. Coulter, Jr. (?)" On the back is this endorsement in Button Gwinnett's hand:

Dec^b 18th 1776 Pay the within Account of Three Pounds 10/
By order of sd Convention
BUTTON GWINNETT, Speaker.

To
The Treasurer"

10. Autograph document signed. In the Pierpont Morgan Library, New York City. The will of Button Gwinnett dated "Savannah March 15, 1777." A facsimile of the will is given facing page 182 of this volume.

11. Document signed. In the Sprague Collection in the Historical Society of Pennsylvania, Philadelphia.

His Excellency the President is hereby desired to take upon himself the whole executive Power of Government, calling to His Assistance, not less than five persons of his own choosing, to consult & advise with, on every urgent occasion, when a sufficient number of Counsellors cannot be convened to make a board. This power to continue for the space of one month from the date hereof, Feby 22, 1777.

Signed

Button Gwinnett
Jon^a Bryan
B. Andrew
Jno. B. Girardeau
Adam Brisbane
William Bryan

The resolution is apparently in the handwriting of the last named Councillor, William Bryan.

12. Document signed. In the Emmett Collection in the New York Public Library, New York City. Emmett Catalogue No. 4111, mortgage given Mordecai

Sheftall and Levi Sheftall covering St. Catharines Island, dated March 16, 1777. There are five pages in this immense indenture, which is signed and sealed by each of the parties. All the signatures are divided by the seal, thus: Button [seal] Gwinnett.

13. Signed document. In the Myers Collection in the New York Public Library. A statement of a financial transaction with Stephen Drayton to whom Gwinnett had loaned, on bond, £500 on the fifteenth of May, 1772. It was repaid March 16, 1774, with interest in full and receipted by Button Gwinnett.
14. Document signed. In the Emmett Collection, New York Public Library, No. 1290 in the Emmett Catalogue. It is the affidavit of David Rees before Button Gwinnett, Justice of the Peace, dated 24th June, 1775, and the certificate of the Deputy Recorder that the same was recorded.
15. Signed document. In the New York State Library, Albany, N. Y. This is a bond dated Jany 6, 1768, to the "Hon^{ble} Noble Jones as Treasurer of the province of Georgia "In the full sum of Sixty-seven pounds, fifteen shillings & six pence sterling" and signed Button Gwinnett. It was paid in full Jan. 23, 1769.
16. Autograph note signed. In the second set in the Pierpont Morgan Library, New York City, as follows:

May 5th, 1773.

Sr
 Not till this Day, I recd yrs. concerning Mrs. Steven's Demand,
 I am just going to Chas. Town where I will Discharge it—
 I am Sr
 Yr Hble Servt
 BUTTON GWINNETT,

To
 JNO HOUSTOUN Esqr,"

17. Document signed. In the Congressional Library, Washington, D. C. The settlement of account of Button Gwinnett dated February 5, 1773, with Rose and Porteus for the sale of St. Catharines Island and the settlements of Gwinnett's debts. Signed and sealed by Button Gwinnett.
18. Document signed. In the Henry E. Huntington Library, San Gabriel, Cal. An order dated Sunbury, March 21, 1777, and signed by Gwinnett while President of Georgia and Commander in Chief of the army in Georgia. The paper is as follows:

GENTLEMEN:

Please to exchange for the Bearer Captain Clement Nash two hundred Dollars Georgia Currency for two hundred Dollars Continental Currency, to enable him to proceed in the recruiting Service.

I am, your most humble
& obt. Servant
BUTTON GWINNETT.

To
MSSRS EWEN & O'BRIEN
TREASURERS

Savannah 27 march 1777 Exchanged 189 for Continental Dollars."

19. Document signed. In the collection of the late Z. T. Hollingsworth, Boston, Mass.

March 4th, 1777—Pay the within Account of Six Pounds.

BUTTON GWINNETT, President.

To
The Treasurer.

Jacob Linn, a post rider, was to receive the above amount.

20. Cut Signature. In the Old Congress set in the collection of the late Z. T. Hollingsworth, Boston.

21. Document signed. In the Hale set of Signers in the Library of the University of Pennsylvania, Philadelphia. A partly printed bond of South Carolina, dated July 8, 1774, to John Neufoille of Charles Town for £14,365 to secure the payment of £7,182 10s. This document bears in faint pencil "D. E. Sprague, 1853" and also L. I. Cist, July 4, 1876, also "An L. S. of Gwinnett was sold at Mackley sale in Phila. in 1878 for \$110.00." See No 22 below.
22. Document signed. A bond given John Neufoille, dated July 8, 1774, and signed and sealed by Button Gwinnett. This is almost a duplicate of the document in the Library of the University of Pennsylvania, bearing even date therewith and for a like amount. There were three bonds given by Gwinnett to John Neufoille at the same time. This was for many years in the collection of Dr. George C. F. Williams of Hartford, Ct. It was sold May 18, 1926, at auction at the Anderson Galleries in New York, bringing \$19,000. It is now in the possession of Mr. John W. Garrett of Baltimore, Md.
23. A cut signature, with a certificate from Charles Colcock Jones, the Georgia historian, that the autograph was cut from a petition signed by sundry citizens of Sunbury. This was sold for \$10,500.00 in the sale of the collection of Dr. George C. F. Williams in New York on May 18, 1926, to Mr. Kenyon V. Painter of Cleveland, Ohio. By its acquisition Mr. Painter completed his set of Signers of the Declaration.
24. Document signed. In the collection of the Signers belonging to Yale University, New Haven, Conn.

This is a beautiful document, twenty-four inches wide by seventeen high. It is one of the several mortgages which Gwinnett was obliged to give on St. Catharines Island. It is dated April 24, 1770, to Edward Mease. It was recorded "Georgia Secretary's office Book Q, p. 464 & 465 the 9 May, 1770. Thomas Moodie, D. Secy."

25. Document signed. The will of Joseph Stanley, dated May 29, 1770, to which Samuel Farley, Button Gwinnett and Will^m Greene affixed their names as witnesses at Savannah. This document for many years belonged to the late Col. James H. Manning of Albany, N. Y. It was sold at auction at the Anderson Galleries, New York, January 19, 1926, for \$22,500, the largest sum ever bid for an historic autograph.

26. Document signed. In the collection of George A. Ball, Muncie, Ind., a bill for cedar receipted by Button Gwinnett, as follows:

Recd of Read & Moseman Four Pounds on Acct of Cedar sold them.

Sav^a Ye 20 Octor 1770.

BUTTON GWINNETT

£4-7-2
2-7-10 orders

6-15

27. Document signed. In the collection of Herbert L. Pratt, New York City, A note drawn by Gray Elliott, dated August 9, 1773, for £73 0 7d and endorsed, "18th Oct. 1773. Pay the Contents to Captain Thomas Howell or order Button Gwinnett."

28. Document signed. In the collection of the late Thomas Redfield Proctor, Utica, N. Y. The settlement of an account between Gwinnett and Rose and Porteus, dated 1773, showing an indebtedness of £400 to which amount Button Gwinnett agrees by his signature.
29. Document signed. In the collection of Charles F. Jenkins, Philadelphia. A mortgage consisting of two folio pages given by Button Gwinnett to Edward Mease of Pensacola, dated April 25, 1770. This document was originally in the possession of Col. C. C. Jones, Jr. of Georgia. It was sold at auction by Stan V. Henkels, April 24, 1894, and bought by Walter R. Benjamin for \$320.00. It was later purchased by the late George C. Thomas of Philadelphia and again sold at auction November 18, 1924, being purchased by the Rosenbach Company, from whom it passed to its present owner.
30. Cut signature. In the possession of the Boston Public Library.
31. Document signed. In the collection of the late Arthur George Sedgwick of New York City. This is the third of the series of bonds given to John Neufoille of Charleston, S. C., by Button Gwinnett, dated July 9, 1774. It is to secure the payment of £890 and is witnessed by "And. Reid." In pencil this document is endorsed "I. K. Teft 1836." Lyman Hall, the executor of Button Gwinnett's estate, makes an entry in his accounts in 1777 covering the payment of three bonds, of which this is one, given by Gwinnett to Neufoille. See Nos. 21 and 22 above.

32. Document signed. In the Registry of the Church of St. Peter, sometimes called the Collegiate Church, at Wolverhampton, Staffordshire, England, page 97, number 385:

Button Gwinnett of this parish Batchelor aged 22 years and upwards and Ann Bourn of the same Spinster aged 22 years were married in this Church by License from the Prerogative Court of Canterbury this nineteenth day of April in the Year one thousand seven hundred and fifty seven by me John Kaye, Clerk.

This marriage was solemnized } BUTTON GWINNETT
between us } ANN BOURN

In the presence of

WM. KAYE
DANL. SCOTT¹

33. Signature on the title page of a New Testament printed at Oxford, England, in 1751. This inscription has the additional wording "Bristol 1753." It is the earliest known handwriting of Button Gwinnett. In the possession of Mr. F. L. Diard of Mobile, Alabama.
34. Signature on the cover of a book in the Collection of Roderick Terry, Newport, R. I. The sheet contains a bookplate as follows: "The Property of the Maryland Circulating Library *No. 194*"
35. Signature to a confirmation of a land grant dated June 30, 1767, in which Button Gwinnett signed for John Barber for 111 acres of land "being sundry islands in the river Sappola." This autograph was discovered among the Georgia archives in the Capitol at Atlanta by Miss Ruth Blair, the State Historian, in April, 1926, the entry in the volume having been indexed under "Barber."

36. Signature to the application for marriage license in the Vicar-General's office in the Gate Tower at Lambeth Palace, London, England, dated 11th April, 1757.

On September 10, 1926, there were thirty-six known autographs of Button Gwinnett. Of these, twenty-seven are incorporated in completed sets of the Signers of the Declaration of Independence. Of these twenty-seven sets, eighteen are in the custody or ownership of historical societies, public libraries, and universities, and nine sets are in private hands. Twenty-four Button Gwinnett autographs are owned by institutions, from which they will undoubtedly never depart, and twelve are owned by individuals. Of these twelve, nine are included in sets of the Signers and three are not so included.

CONTRIBUTIONS TO AMERICAN
HISTORY

PAPERS RELATING
TO THE
GWINNETT-McINTOSH AFFAIR

TWO LETTERS FROM GENERAL ROBERT HOWE
TO BUTTON GWINNETT, SPEAKER OF THE
GEORGIA ASSEMBLY

The first of these letters is from the original in the archives of the New York Historical Society. The second is from a copy in the Library of Congress. General Robert Howe was in command of the Continental troops in South Carolina and Georgia. While the letter of December 7, 1776, is not addressed to Gwinnett by name, he was Speaker of the Convention at that time.

To Button Gwinnett

[October 26, 1776]

SIR,

I have taken the liberty to detain your express two or three days in order to lay your letter & Mr. Gray's journal before the President & Council of this State to consult what measures were necessary to avert if possible the mischiefs impending from the Indians or to prepare for the worst. We have come to a conclusion to send orders to Mr. Galphin to hold a talk with the Indians, the purport of which I enclose you, and I would recommend that something similar should be immediately done by your State; the propensity they have for war if we may depend upon the information of Mr. Gray seems to arise from the influence & misrepresentations of Stuart & his implements, & I am persuaded if proper measures are immediately taken to undeceive them, that they may yet be kept quiet, I am more firmly of this opinion from what has pass'd between Mr. Galphin & the Cussitaw King much about the time, or just before Gray's arrival, when they express'd the most earnest desire for, and gave the strongest assurances of Peace. I confess I have hopes, & I think they are very probably founded, that Mr. Gray fell into bad hands whose interest & inclination it was to deceive & intimidate him & that he received his intelligence from them. It is our duty however to be prepared for all events & in order to this I recommend that the colonels of your Militia be commanded as immediately as possible to muster their Regiments, to inform their men of the danger

impending, convince them of the necessity there is for keeping them arm'd and accoutred in the best order, & for holding themselves in constant readiness to turn out at a moments warning, & positively to order the Captains to muster their Companies very frequently. I am not well enough acquainted with the back parts of your State to say at what places it may be proper to erect posts, or whether any are necessary, but this your knowledge of the Country will be able to determine; at any rate I would advise you to contract your defence as much as possible, for the less divided your force is the better. If this affair should grow serious it may be necessary to keep a body of Militia on your frontiers, for I am persuaded it cannot be prudent to draw our Regulars far from the Sea-Board. In case of emergency I have no doubt but that you may depend upon all the support this State can send you, nor am I without hopes of receiving Assistance from North Carolina if necessary. I should be glad to have sent me immediately the exact state of your Arms, Ammunition, Military Stores whether Provincial or Continental, that I may be enabled to judge what I ought to solicit from Congress—If you think it proper to send a Talk to the Creek Nation (& I own I have it so much at heart that I earnestly recommend it) I beg leave to mention to you one Mr. Lachlan McGilvery who from credible information I understand has great influence with the Creeks, I have had it suggested to me that if he was to be depended on no better man could be found, and that he was so well known to some of you that you could determine this Point. If he would join with Mr. Galphin whose integrity & influence with the Indians is undoubted I have sanguine hopes of most salutary effects from it. At the same time Sir I think it absolutely incumbent upon us to pursue every necessary measure to prepare for an Indian War, I cannot

To the Honorable John Hancock Esq. President & other Members
of the Honorable Continental Congress—

139

The humble Petition of Anna Gwinnett Widow of William Gwinnett
deceased late, President of Georgia Sheweth to your Honors
That your Petitioner's said deceased husband your Petitioner
deceased in such a manner & in such other insulting language
to him in his honor & to himself in the State of Georgia, for
reasons above for acquitting himself to that House of Representatives
in the "Council" all against him & also for supporting
him as he thought against the General as from his conduct
in his said Congress to apprehend the General
him being a real friend to the cause of the United States
& this Petitioner Particular on which a Duel ensued in which
our Petitioner's husband lost his life. Your Petitioner
informs that on the 17th of March 1790 Colonel
John Milledge of Georgia & George Wells said to be a Colonel
of the Militia were accused & so cruelly & bloodily did
appear to be that they measured the distance from each
other (which they were to fire) to be only half a foot, your Petitioner
informs that by the Articles of War the General & Colonel
Milledge were to be punished as the first was a principle
of the army carried the 14th page & acts as above to the General
your Petitioner craves leave to inform your Honors that
the said General & Colonel Milledge will be acquitted, but hopes your
Honors will take representation of them & do justice to the
United States by removing them from Command, which will
be a great measure to take, as a divorce case the said General & Daughter
and your Petitioner will own Charge

Ann Gwinnett

Savannah 1797

August 26th

A Petition

From Ann Gwinnett to the Continental Congress.

but have reason to hope that there is less danger of it than Mr. Gray's report would induce us to think there is. I should be happy to hear from your Hon'ble House by every Opportunity & to receive any important intelligence by express & let me beg the favor of you Sir to assure them that I feel it my pleasure inclination & duty by every means in my power to contribute to the interest safety & Honor of your state.

I have the Honor to be with the Greatest Respect Sir
Your most obedt.

& very h'ble servt.

ROBERT HOWE

Charles Town

October 26, 1776.

P. S.—I send you Mr. Galphin's Talk & that of the Cussitaw King.

ADDRESS OF LETTER:

on the service of the United States

TO THE HONOURABLE

BUTTON GWINNETT ESQ^r.

Speaker of the Honourable House of Assembly

now sitting at

Savannah

in

Georgia

pr. Express.

BUTTON GWINNETT ESQ^r.

Savannah 7th December 1776

SIR.

The survey I took of a great part of Georgia made me acquainted with its situation and I mentioned to His Ex-

cellency the President those measures which I thought best calculated to place it in a proper State of defence. This induced me to imagine that upon the meeting of your Convention either those measures would have been adopted or some other plan of defence immediately fallen upon and that the necessary Materials and number of Hands wanted to carry it into execution would have been provided and procured. In consequence of this expectation I was setting out for Georgia when I received information that the Convention without taking this Matter into their Consideration at all had adjourned for five weeks. I had consequently nothing to do in this State which required my personal attendance, and having a great deal to employ me in South Carolina I chose to postpone my visit to this Country till the Convention met again, when I doubted not that they would amongst the first objects of their attention have considered how important it was to prepare for that attack which I persuade myself there are reasons every Moment to apprehend. But your Honorable House employed I suppose upon Matters which they think more consequential, have suffered a fortnight to elapse without having taken one Step towards effecting this essential purpose. Forgive me therefore if I feel it my absolute duty once more to trouble you upon this occasion by repeating that you are assailable at a variety of places and at none prepared for defence, that while other States are by every effort endeavouring to make their Country as dear a purchase as possible, and have in a great measure effected it, yours remains so very weak that it seems to invite an Attack, for it is natural to imagine that the Enemy should they progress southwardly will aim at that Conquest which will cost them least, and their attempts in your present situation can hardly fail of success. Some other States Sir possess advantages yours unhappily has

not, the number of their people and their other internal resources are greater than yours, they have in some measure establish'd a Constitution and invested the executive part of it with powers in all cases of Emergency to act with decision. Their People having been frequently called into action are prepared and habituated to fly upon any alarm to their arms, the establishment of Minute Battalions, and the very strict Militia Laws they have, which of late have been rigidly executed, has given their Men a knowledge of discipline and so inured them to service that they submit to it without murmur or repining, and should their State be attacked in so formidable a manner as to require assistance, they are not so remote but it may be brought up in time; these are capital Advantages, and yet they do not wholly rely upon them, but by every means in their power are preparing for defence, and have lost all Idea of Expençe in the importance of the object. Added to this their People are united, all private pique and party animosity are either entirely subsided, or, if they exist at all, have no influence upon publick measures. These last mentioned advantages you perhaps possess in common with them, and I flatter myself that you will shew yourselves equally desirous to place your Country in as good a state of defence.

It gives me Sir, great anxiety to find your State so destitute of almost every Military requisite, and deficient in every necessary provision for the Soldiery. No Barracks built for the Men, nor any that I have heard of preparing to be built, no Publick Stores furnished with Goods where the Soldiers may lay out their Money in Necessaries and by that means be kept from spending it improperly at the same time that it benefits the State. No Arsenal furnished with Military Stores, no arms purchased, or Commissioners appointed to purchase them, very little Powder

or Lead and no effectual measures taken to encrease the quantity, not one Ream of Cartridge paper either for Musketry or Cannon, no great number of Flints, no Publick Armourers or Blacksmiths appointed or employed, not Cannon sufficient and no steps taken to procure more, no Cloaths, Blankets or Tents provided or providing, no Stocks of Medicines laid in, for the want of which many good men have fallen a melancholy sacrifice, no publick Hospital established for the sick, no store of Wood provided for this Inclement season, no great quantity of Salt, no Magazines of Provisions or Forage, no entrenching Tools, Wheel Barrows or other necessary Implements of War, no Carpenters Tools or indeed Tools of any sort, so that upon my application to the Quarter Master for a single Ax it was not to be obtained—This is a dreadful Catalogue of Wants, and yet many things equally useful remain unmentioned, let us therefore for God's sake set about making instant provision. Arms and Ammunition are Articles so very essential that you cannot exist as a State without them, these are only to be obtained from abroad; a great number of Vessels should be employed for this purpose, that tho' the vigilance of the Enemy should deprive you of some of them, others may arrive to furnish you. Private Adventurers are by no means to be depended upon in a Matter so truly important; they may not have Finances to undertake it upon so large a scale, or so immediately as is requisite, or if they do and should succeed what they procure must come to you with accumulated expense; the publick should therefore in my Opinion immediately undertake it—Permit me to recommend it with the utmost earnestness, and to reiterate, that in this as well as every other Circumstance of defence, not one moment ought to be lost. Your private Interest and the good of the Common Cause conspire to demonstrate the

necessity of your immediate exertions that this golden opportunity now lent us may not pass away.

If, sir my urgency in any part of this Letter has exceeded the bounds of propriety may I hope that you will solicit for me the indulgence of your Honorable House, and that they will do me the justice to impute it to that regard I have to their Interest and safety, and to the Zeal I feel in the glorious Cause to which I am, and pride myself in being, the devoted Servant—I have the honour to be with the greatest respect

Your most obedient
humble servant.
[ROBERT HOWE]

I shall be glad to receive the determination of the Convention upon the Subject of this and of my former Letter as soon as possible.

To the Honorable
The Speaker of the Convention of
Georgia.

THE BUTTON GWINNETT LETTER

The only known letter written by Gwinnett on public affairs. The whereabouts of the original is not known. This is from a contemporary copy in the handwriting of some secretary or clerk. It was forwarded from Georgia with other papers by Governor Treutlen about August 13, 1777, and considered in Congress, October 1, 1777. It is endorsed "Letter from President Gwinnett, 28, March, 1777": also "Button Gwinnett, 28, March, 1777, read in Committee."

This copy is in the Library of Congress.

To John Hancock

Sunbury, 28th March, 1777.

SIR,

On the 14th instant I received yours dated at Baltimore Jany 8th, inclosing a Resolve of Congress & also an Intercepted letter respecting the principles & conduct of Mr. Geo. McIntosh. Our Convention having adjourned several days before, I sent a Messenger to summon the Members of Council, but without success, a Number sufficient to make a board could not be convened that day.

On reconsidering your Letter & the aggravating Circumstances of McIntosh's Crime, I thought it adviseable to apprehend him immediately. Accordingly I issued Orders to Colonel Hovenden to take a detachment of Men & proceed without delay to apprehend & take into Custody the Body of the Delinquent. The colonel soon discovered where he was & very privately brought him to Savannah, to the great surprize of the people who were altogether ignorant of the cause. On this I issued Orders to the Provost Marshal directing him to receive the Body of George McIntosh & him safely keep in Irons in the Common Goal, until further Orders. As his Crime was no less than treason against the united States, I thought I could not better express a detestation of it, than by ordering him in Irons. This being known his Relations & Connections were very much alarmed, thought he had been used with too great Severity, came and offered Bail to the Amount of £50,000 which I refused.

Several members of the Council being out of Town, they immediately used every means to collect them together, that the disposal of McIntosh might be determined by them, and here I would observe that no less than three of the Council were relations of McIntosh & two or three others very near neighbours. On their meeting I laid before them the dispatches I had received, which being read, considered & debated, it seemed to be their Opinion, that his Irons should be taken off. Upon this one of the Members, his Brother in Law, represented he was in a dangerous State of health, that if he remained in the Common Goal he would certainly perish long before he could be brought to a trial &c. And therefore he thought it would be right to remove Mr. McIntosh from the Goal, he giving good and sufficient Security not to make his Escape. This however contrary to my Opinion was agreed to & the same Evening Mr. McIntosh was removed. Some public Business called me the next day to Sunbury (as will hereafter appear) so that in my absence a Chairman & Council were to act. I had no sooner left Savannah, but the Chairman & Council called McIntosh before them, and what is very extraordinary, after swearing him & hearing what he had to offer to exculpate himself, they dismissed him from Confinement on bail, four of the Council were his Sureties, Adam Fowler Brisbane, Jonathan Bryan, John Houstoun, & William LeConte. This has given great Offence to all the friends of America in this Country & notwithstanding all the artifices of the McIntoshes & their numerous connections will kindle a blaze among the people not easy to be extinguished. At the same time I issued Orders to apprehend McIntosh I also directed Colonel Sandiford to secure his Property in behalf of the public, as you may see N——. I now understand, since the Council have dismissed him, he is returned to his

Plantation, & has discharged the person that Colonel Sandiford had placed there to superintend the same.

To the above simple narration of Facts, I would add that from undoubted intelligence we have received, I am persuaded that long before now the Garrison of Augustine would have been evacuated, & the people of East Florida accepted of our mercy & protection, if they had not been supplied by their Tory Friends in this State. Tonyn himself says, "that he could have procured any quantity of Rice, Corn, & Herds of Cattle from Georgia," from hence it is evident our Enemies have been supplied, & would still receive supplies, if not prevented by the vigilance of the few active & faithful friends among us. Perhaps you may wonder how these Men escape the punishment justly due to their perfidious Crimes: hitherto they have done it by their various Connections, & there are many who tho' inoffensive of themselves, yet are Tories by Consanguinity.

Such has been the Scarcity of provisions in Augustine that they have been obliged of late to make several Attacks on the Southern Frontiers of this State in order to get supplies of Cattle &c—this has kept our people in alarm & been of Great Expence to the public—Numbers have left their Settlements & others are ready to remove, so that they are at length determined to risque all rather than live in such an uncertain Condition. The Council taking these things into Consideration have come to the Following Resolutions.—

Georgia. In Council, March 4th, 1777.

Whereas it appears by sundry Informations, respecting the Province of East Florida, that they are in a distressed Condition, and destitute of the necessaries of Life, so that a great Number of the Inhabitants are inclined to throw

themselves under the protection of this State. And whereas the Southern Frontiers of this State are frequently alarmed by the inroads & depredations of the Floridians, so that the Inhabitants cannot with safety venture to sow their Lands & to prosecute their other necessary business. It is therefore resolved,

That the President do draught such of the Militia, as he shall think proper & do also take all such Persons, as are voluntarily inclined to follow him & proceed forthwith to the Province of East Florida; that in his march he do erect the American Standard, and issue a Proclamation to the Inhabitants, signifying that all that will take an Oath of Allegiance to the united States, & join with us, shall receive our protection, & be secured in their persons & property.

That the President shall use his utmost Endeavours to cut off all Supplies from the Garrison at St. Augustine, & shall be fully authorized to take such Steps, as to him shall appear requisite for the good of the Service.

In consequence of this, I have been making every preparation, necessary for this Expedition. I have draughted part of the Militia, who have assented to go, & have a force by water superiour (I think) to anything they may meet with on the Coast. We have as follows, VIZ, one fourteen Gun Sloop, one Ten Gun Sloop, one Eight Gun ditto, one Galley with an eighteen Pounder & Swivels, another with two twelve Pounders & Swivels, & another with two eighteen Pounders, two nines & four Sixes—hearing the Randolph Frigate & the Hornet Sloop were at Charlestown, I have communicated my designs to them, requesting their Assistance, if consistent with their duty & orders.

Our Convention, truly sensible of the alarmed Situation of this Country & the many dangers to which we are ex-

posed, both from secret & open Enemies, sometime before Christmas last wrote to the Commander in Chief of the Continental Forces, of the Southern Department, requesting his immediate Assistance; by some means or other, we received no Answer to the requisition. The Convention adjourned for a few Weeks & met again the beginning of February & then renewed their Application; in answer to which General Howe informed us, that General Moore was gone to the Northward, and that He would come to our Assistance. We waited several Weeks for his arrival, but no General Howe appeared—at length some Regulars & the Florida Scout with a party of Indians attacked a Fort at Satillas, garrisoned by seventy men & took it,—this threw us into a fresh Alarm, on which the Council thought proper to form an Expedition against East Florida, agreeable to the forementioned Resolves.

General Howe hearing of this affair at length arrives on the eighth of March. Having several Interviews with the General, I informed him of the intended Expedition, to forward which I was then very busy in making the necessary Preparations; he expressed a desire to meet the Council, but most of the Members being on their Plantations, I could not get together a Number sufficient to make a board for several days. On the 13th I sent the General the inclosed Letter N—— and not having the honor of receiving an answer to it, or hearing anything from him, on the 14th I sent him the letter N—— to this he likewise honored me with no answer, till towards the evening the Town being in alarm about George McIntosh's Commitment, he alone waited upon me, to enquire, whether I had any Charge against General McIntosh, to which I replied in the negative, but observed to him the nearness of the Connection, & the danger that might accrue to this State from the warmth of private resentment, which, together

with a certain knowledge of the Jealousy & uneasiness of our people, had induced me to request his removal into another State. Nothing particular passed between me & the General till the meeting of Council on the 17th, when he informed us, that when he left Carolina, he had no Idea of an Expedition against East Florida & that nothing further was intended than the repulsion of the Floridians, that he could not consistent with his duty to the State of Carolina, proceed with his Men on the Expedition as they were wanted back for the defence of their own State, and that he could only assist us with Colonel Sumter's Battalion; to whom he issued orders the next day to march to Sunbury, while he and the remainder of the Troops returned to Carolina. Previous to his departure he called a Council of War, but cannot particularly say what passed therein,—have been informed the General was of Opinion, this State was not then invaded, & therefore he thought it better to return; tho' two Men were killed on the Altamaha on the 17th, which he was informed of by Express; and on the 22d the Enemy were driving off Cattle on Beard's Bluff.— On my arrival at Sunbury & other parts of the Country, I found our people very much alarmed at the helpless Situation of this State, & much surprized at the unexpected departure of Howe, who had been so frequently applied to for assistance.— He came, he saw, and left us in our low Estate.

In the declaration of Independence, it was alledged against the british Tyrant, "that he had affected to render the military independent of, and superiour to the civil power."— I am sorry to observe that something like this has appeared in General Howe's Conduct; for tho' he found the Situation of this State rendered an Expedition to East Florida absolutely necessary & was also particularly informed of the distress of the Floridians, yet finding

the Council had deputed the President of this State, after they thought they could obtain no Assistance to proceed on this Expedition, he appeared no way willing to concur & assist in the measure, but raised up several chimerical difficulties & rather seemed to obstruct the Attempt. However the true friends of the State are fully convinced that their safety and political happiness depends intirely on our present Exertions, & that if we succeed in this Affair, it will be doing a great Service to the American Cause in general.

St. Augustine has been, as it were a Key to the Continent, whither the Tories have fled from all parts of the Continent, & by that place they have maintained a Correspondence with great Britain, to the great prejudice of the united States.

I have the honor to be,

Sir, your most obedient & very
humble Servant

B. GWINNETT

J^N^O HANCOCK, ESQ.

HALL AND WALTON LETTERS ABOUT GWINNETT

The extract from the letter of George Walton to Lachlan McIntosh is in the Library of Congress at Washington. The letter of Lyman Hall, the friend and executor of Gwinnett, to Roger Sherman, a fellow signer from Connecticut, is in the Pierpont Morgan Library, New York.

To Lachlan McIntosh

[Extracts of a letter from George Walton Esq^r. at Philadelphia to General McIntosh in Georgia dated 18th April 1777.]

I freely confess to you my dear General that some pains have been taken to shake my friendship for your Virtues & to lessen the good opinion of the Continent—but be assured that they never obtained credit with either. I have been privately interrogated as to the firmness of your principles in this great cause, in which I know you always to have been an enthusiast, and to have seen deeper earlier and further into it than any other man. That ample Justice has been done you upon all such occasions I hope you will not doubt. However a mans reputation may be obscured by the puffs & smoke of a rotten hearted designing enemy, his virtues will soon shine out with their wonted Lustre and acquire fresh brilliancy from the outrage intended. In Congress your name has never been mentioned but as their Officer in general terms with others. Your enemys have not dared to impeach you before that August Assembly yet; and I believe never will. They meant to ruin you indirectly. In my judgment it was intended to teaze you into a resignation as they have done your brother. If I had not come to Congress last summer your present *Alexander* would have been in your place; but I sounded the alarm when I discovered the deep laid design—This great Hero that has set our Country in a flame cannot last long & no gentleman could have suffered long under accusations trumped up for time serving pur-

poses. I find that the Laws are taken out of the Judges hands and exercised by your dictator who I presume has suspended the Habeas Corpus Act as I find no writ was brought upon a certain occasion.¹ I am trading upon delicate ground in my present situation. If I was at home I would speak my mind in the Market place against this Lord of the earth.

Do my dear General set apart some occassional hours for writing to me, you are too reserved when you have good opportunitys. I shall complain of your caution if you repeat it.

I am, Dear General, with the Most sincere regard and esteem, Your most sincere Friend and very humble servant

GEO WALTON

To Roger Sherman

Savannah 16 May 1777

D SIR

Your favour of Apr^l 17th is the first I have Recd from any Friend your way Since I Left Baltimore & am much Obligated to you for the Intelligence, you communicate Respecting our Affairs at the Court of France. I think much is Included in it, for When a Man Opens his purse to Lend a Friend without Int. he Certainly Means to Assist him—, am sorry to hear that the Recruiting Service goes on so slow, however hope that by this Time Genl Washington, is properly Reinforced & Able to speak with our Enemies Face to Face. I imagine, an Early attack upon them, will be successful, as it is not probable they can Receive any early Recruits, & might I think, be in a poor Condition to Defend themselves—.

¹In the case of George McIntosh Esq^r

Am glad to find you Approve of our Constitution in the Main—I am pleased wth it & think it Contains the pillars of Liberty, on wh^h a people, perhaps Less Virtuous than we are, might Erect an Administration of Gov^t that w^d Duffuse equal Justice & Equal Liberty to the Members of the Community—Imperfections, I can see, that you mention is perhaps one—but I think it may be Rank'd among the Best on this Continint,—but as it has laid a foundation for a great many New Laws & Regulations in this State, many of which might be very Similar to yours of Connecticut, must beg the favour of you to Furnish D^r Brownson with a Connecticut Law Book, & Desire him to forward, without fail, one by Water & bring one by Land, that by Water, by the first Oport^{ty}, perhaps M^r Ingersol will spare his if not be so kind as to Assist in procuring one or two, have wrote the D^r on the subject.—

I have ever since my Arrival, been almost Constantly from Home either at Council or in Assembly, & we have Enough to do, Scarcely have we Emerged from a State of Anarchy & in the New Mode of Gov^t go on but Slow. the Old Leaven, shape the Map how you will, still carries on its Influence—we are much plagued with Torryism under a Whig Mask, & I apprehend the salvation of this State almost Depends on the Remov^l of Brigad^r G McKintosh, to some other part of the Continent; his Connections by Consanguinity, have Rendered themselves so obnoxious, that if he is upright himself he will be suspected.—

When I came here I found an Expedition going on Southwardly, wh^h am afraid for want of a few Arm^d Vessels, will not Effect so much as could be wish'd, however hope it will at Least Answer this good purpose, viz keep our Enemies of E. Florida at Home, & prevent their Repeating their Depredations upon us—I believe already we have Lost 3 or 4 perhaps 5 or 6000 Head of Cattle &

had our Settlements broke up in all the southern part of this State.

I frequently Wish to be with you, but Alas! this State is in so much Danger Externally & Internally, that it seems Necessary that I should Throw in my Small Might for its preservation, every little will help (they say), nor can I Expect to see you, tho' press'd to it, as things now Stand. (You See I am at the Bottom, Shall I begin tother side?)

I think the Confederation is too long Delayed—are the Journals printed?—the Medical system looks, like the Degenerate face of *Corruption* Gwinnett is, if possible a Whig to Excess.—my Compl^{ts} to the good natured, Sensible, Honest & facetious Ellery, Do Wolcott, Col Thornton & Lady, in a Word to all good people, that Enquire after me of all Colors, all Dimensions of Stature & Ability——

Compl^{ts} to Mrs Cheesman in particular—Mr. Sprout & Family, Webster & Family &c &c

I am D^r Sir Yours with great Esteem L. Hall.

June 1 The Above I had wrote, & for want of Oport^y to send, lay by me till now, I Resume my pen, to Confirm what you have no Doubt heard, that our worthy Friend Gwinnett has unfortunately Fell—the Contention between him & the Gen^l run high, principally respect^g the Expedition against E Florida, which brot on an Enquiry in the House of Assembly, into the Conduct of Mr Gwinnett, who as president & Commander in Chief, had made the preparations & meant with the Malitia & aid of Continent^l Troops, to have Carried into execution, as principal Leader & Commander, he proceeded as far as Sunbury from this ab^t 40 miles, with a Small Fleet, from thence sent for the Malitia & Contin^l Troops to join him—few of the Malitia Turned out, Except those of the parish of S^t John & when

the Gen^l with the Contin^l Troops Arrived, M^r Gwinnett summoned a Council of War but the Gen^l it seems would not hold a Council of War with him, he Repeated his summonses, but to no purpose, on which M^r Gwinnett's Council the Field Officers of the Gen^l, Advised Both to Return to this place & Leave the Command of the Expedition to the Next Officer, this Matter was Laid before the Assembly, where both Appeared & were heard, on which the Assembly Resolved, "that they approved of the Conduct of M^r Gwinnett & his Council so far as those Matters had been laid before them."—here it was in Assembly that the Gen^l call^d him (as tis said) a *Scoundrell & lying Rascal*—I confess I did not hear the Words, not being so nigh the parties however it seems Agreed that it was so—a dual was the Consequence, in wh^h they were placed at 10 or 12 foot Distance, Discharged their pistols nearly at the same Time—Each Wounded in the Thigh, M^r Gwinnetts, thigh broked so that he fell—on wh^h (tis said) the Gen^l Asked him if he Chose to Take another Shot—was Answered, Yes, if they w^d help him up,—(or words nearly the same)—the Seconds Interposed—M^r Gwinnett was bro't in, the Weather, Extrem Hot—a Mortification came on—he languished from that Morning (Friday) till Monday Morning following & Expired.—O Liberty! why do you suffer so many of your faithfull sons, your Warmest Votaries to fall at your Shrine! Alas my Friend! my Friend! . . .

Excuse me, D^r Sir, the Man was Valuable, so attatched to the Liberty of this State & Continent, that his whole Attention Influence & Interest, centered in it, & Seem'd Riveted to it he left a Mournfull Widow & Daugh^r & I may say, the Friends of Liberty on a whole Continent to Deplore his Fall. at this Time of Writing the Expedition is at a Stand & am afraid will not Succeed, the Light Horse that, marched on by Land, have met with a Repulse, &

some Loss, but are about to Return to the Charge Reinforced. I most heartily Wish You success Your Way & pray God to put a Speedy End to the Calamities of War, & Establish peace & Liberty on a foundation never to be Shaken more——

I am D^r Sir Your most Obed & Hum Servt.

LYMAN HALL.

ROGER SHERMAN, ESQ^R

THE ANN GWINNETT LETTERS

Two letters and a petition from Button Gwinnett's widow, Ann Gwinnett, to John Hancock, President, and the Members of the Continental Congress. They were forwarded by Governor John Adam Treutlen by his messenger, William Hornby, and were delivered to Congress on September 28, 1777, while it was in session at York, Pa. They were read in Congress ("Journals of the Continental Congress," Vol. VIII, p. 757) and referred to a Committee.

The originals are in the Library of Congress.

To John Hancock

HONOURD SR.

Pray in justice to this State & the Deceased, enquire particulars of the bearer (Mr. Hornby a true Friend to the liberty side from this place) concerning Colonel Habersham with regard to Lieutenant Hughes. At an Election here last year words happening between them, Lieutenant Hughes threw away His Sword directly & said, S^r. will you draw on an unarm'd man—& immediately by some means or other Colonel Habersham's Sword was in Hughes's Body—tis said Hughes fell on it & Kill'd himself—but tis certain Hughes did not draw it out of the Scabbard. After the man was Dead Major Habersham fled for He was not Colonel till after He was acquitted here by Law for this heroic action. I've said Major Habersham fled, which He did, & bail was taken for him & He came to take His tryal—the Stabing act Bill was Mention'd—but answer was made that wou'd take away His Life. Some Bill was found the Grand Jury approv'd of—& when the Judge saw them coming He adjourn'd the Court till Morning, when a diferent Bill was presented, which two of the Grand Jury refus'd to sign—one at last was prevaild on, how they did abt the other am not certain of—but think He never Signd it—the Witnesses swore hard—& the Principal Witness was so ill He could not come to Court—tho well the day before & soon after, another was out of the State—this Gentleman allows Hugheses Widow £20 a year—had Colonel Habersham been the Dead Man Law enough wou'd have been found in Georgia,

to have hang'd poor Lieutenant Hughes who was well known to be a true Liberty Man. Habersham is a friend & particular acquaintance of the MacIntoshes with respect to George McIntosh, the tories say you have nothing from under His own hand, & cannot hurt him. Captⁿ Velawee of the Brig & Stuart a Captⁿ of Marines lives in Philadelphia, this McIntosh did not us'd to load Rice. He us'd to send His Rice in small vessells to the merchants—What Boast they make now He nor His securities can be done any thing to, if not, this State [is] undone. For Heavens sake take it by the Hand & dont let it fall to them. The St. Johns men was your first friends, they sent Rice to the Bostonians to their ability; the Western people are likewise very true & most in Number, had we but officers the men are true. Some no doubt are [false], but the want of a good General Makes bad work, prevented Augustine from being taken, & makes Georgia bad of[f] now indeed. What hurts this place Savannah is Mostly filld [with] Tories, nothing prevents their Rising but the nor'ard being successful. There is some very good people in Savannah—but they are but few—the Governor is just & true, the Council too except a Lawyer Brother in Law to George McIntosh offerd fifty thousand pounds Bail for him at first & I think if some more able person than themselves did not assist them, they cou'd not carry their schemes into execution as they do; tis thought a greater McIntosh than George sent of Rice to the Enemy—& preservd the Man of War that lay Aground here even till Springtide came, & did not send Balls small enough to Load the gun with. These things (tho from a Woman, & it is not our sphere, yet I cannot help it) are all true. My own loss is so exceeding great & hard on me, have lost Mr. Gwinnett His interest I fear is not made the best of—far from my friends, infirm in

myself—laught at by the tories—they say what does the Liberty people do for you now, I tell them I don't mind it. I shall never alter, I am ready to follow Him thats gone, tho the want of fortune hurts me, for Mr. Gwinnett neglected His private Interests to serve this Publick Cause. There is something the Matter about the Continental Money I am not clear what it is nor how but beg Sr you will enquire concerning my situation & integrity. I did give up all I had, & know nothing of more. They gave me £50 of the province Money which is all I have had since Mr. Gwinnetts Death, or can tell when I shall. The character I've [had from] Mr. Gwinne[tt] of you Sr. decided me to address you both private & publicly for redress for his sake & really I am almost distracted when I think how He lost his Life—Can only beg to say I am His exceedingly dejected Widow

& Sr., Yr. most Humble Servt.

A. GWINNETT¹

To the Honourable JOHN HANCOCK Esq^r. President &
other Members of the Honourable Continental
Congress

The Humble Petition of Ann Gwinnett Widow of Button Gwinnett Deceased, late President of Georgia Sheweth to your Honour that Brigadier General McIntosh calld said Gwinnett, your petitioners Deceased Husband, a Scoundrel, & used other insulting Language to Him in the House of Assembly in the State of Georgia, for no other reason than for acquitting Himself to that House of some Charges the General laid against Him—& also for supporting some charges He brought against the General as from

¹The address to this letter is in Ann Gwinnett's handwriting. It is endorsed in the writing of Charles Thomson, Secretary of the Continental Congress: "A. Gwinnett from Georgia Rec'd 28 Sept. 1777 ref."

His conduct Mr. Gwinnett had good reason to apprehend the General was far from being a real friend to the cause of the United States in general & this State in Particular—on which a Duel ensued in which your Petitioners Husband Lost His Life, Your petitioner also informs Your Honours, that Josep Habersham Colonel of the first Georgia Battalion—& George Wells said to be a Colonel of Militia were seconds—& so cruel & Bloodthirsty did they appear to be, that they measured the distance from each other (when they were to fire) to be only ten feet Your Honours petitioner is informd that by the Articles of War, the General & Colonel Habersham may be Cashiered—as the first was a principle & the second carried the Message, & acted as second to the General Your petitioner craves leave to inform Your Honours that probably the civil Law will acquit them, but hopes Your Honours will take proper notice of them—& do justice to the United States by removing them from Command, which will in some measure Satisfie a disconsolate Widow & Daughter and Your Petitioner will ever Pray.

ANN GWINNETT¹

Savannah 1777
August 1st

To the Honourable the President & other Members of the
Grand Continental Congress

MOST HONOURABLE GENTLEMEN:

Next to Heaven I apply to your August Body for redress, on the Melancholy sufferings I undergo, on account of the cruel Death of my Husband, Button Gwinnett now no more—the late President of Georgia, by whom it has been preserved (& for exerting Himself to do it) they seek

¹A facsimile of this letter is shown facing page 206,

His Life various ways, ever since He executed the Honourable John Hancock's order on George McIntosh, on rect. of that order, He directly without consulting Council (for that He knew wou'd prevent His being taken) caused said George McIntosh to be taken Prisoner, & put in the common jail—& ordered Him to have Iron handcufs on, for being a Traitor to the United States of America & this State in Particular—& directly sent one Colonel Sandiford, to Seize the Estate Real & Personal of said George McIntosh, the State Prisoner. It was said George McIntosh was indisposed & the Irons injurious to His health & Council at their own risque took the Irons off[f] & wou'd have Baild Him—but Mr. Gwinnett refus'd that, & wou'd by no means take any sort of Bail for Him—the Expedition soon calld Mr. Gwinnett from Savannah—then the Vice President so calld, the Honourable Jonathan Bryan Esqr. & His Council, took, or rather gave Bail for said George McIntosh, & gave Him back His effects—the Vice President I think is one of His Bail—the Agent for this State I am sure is one, & John Houston Esqr. a Lawyer here another of His Bail—a Brother of Sr. Patrick Houstons that was partner with Mr. George McIntosh in the Rice sent off[f] last Year—this Lawyer Houston is one of the Council at this time. George McIntosh Married this Gentlemans Sister—sure none but Tories wou'd Bail a State Prisoner, & one that had been in the Council too—but tis plain He only got in to betray it—really they are all so much alike they will all Bail one another, take any oath, do anything to put the Continental Money in their Pocket, & do nothing for it but Sacrifice the State & any Person in it that is true to it, in it. There's one good & able Friend to the Cause left yet, & His Life they have seekt—the depositions are given in of it before a Magistrate, & the Tories do strive to do Him all the injury

they can—none else dislike him—He is the best Friend to the Liberty Cause it now has left—His Name is Wood. He is appointed a Delegate to go to Congress—the Tories endeavouring to prevent His going. But to return to my sad & dismal tale; which my every thought is bent on. Honourable Gentlemen pray give me leave to ask if the Speaker of the Georgia House of Assembly ought not when Mr. Gwinnett was so basely affronted by Brigadier General McIntosh (that it conjurd Him to fight) to order the General to the Bar of the House, & make him ask Mr. Gwinnett pardon. This wou'd have sav'd Mr. Gwinnetts Life—as a public concession repairs a public affront—(but no) no such thing was requir'd from the General & only Mr. Gwinnetts Life fell a sacrifice for striving to save the Country. How grating must this be to Mr. Gwinnett to be thus insulted by the Brigadier General. He resign'd His Colonelship in favor of, when He went Deligate to Congress last year—so deceived was He in the Man—Oh He proves a very Traitor, it wou'd fill Volumes to relate His trecherous Villany. His Brothers & His own chicanery shine in Georgia—His Eldest Brother William behav'd so ill last year it brought Him to a tryal, but by the Artifice of the General & His good friends the tories brought him off[f] clear, I cannot help wishing to live to see the day when no McIntosh is in pay here. The People are true if they had good officers—three of the Generals Sons, & two of His Brother Williams are Officers now—tis well known here at the Engagement here last year, they might have taken all the Kings troops had not General McIntosh preserv'd them—when the men were going to fire He said they must not wast the powder—another party further of[f] sent for a Swivel gun to fire at a Vessell that was aground—& He sent one & the Balls was so large it cou'd not be

chargd—& [he] kept out of the way till the tide rose & the Vessell floated, then appear'd & sent Balls proper to load the Gun with—if He & all His Family (or say connections) are not sent out of Georgia, it will always be betray'd & the enemy supplyd with provisions, & be what it really is, a compleat Tory State under Continental pay.—Extract of a letter to Genl. Howe:

I have Substantial reasons to be more & more convinced of the propriety of the present Expedition, & I cannot help suggesting that the immediate removal of General McIntosh out of this State will tend to the safety of this & the United States: I just mention these things to your Excellency & perhaps hereafter you will be fully convinced of the Expediency of them signd March 14th 1777. To General Howe—B. Gwinnett.

The above request not even Noticed—no General Howe from Carolina did not heartily join the Liberty side. He feasted with the Tories—at Mr. McGilverys & Mr. Telfairs both noted Tories—was at their dances several Evenings & spent His time mostly with them, tho' in time of War the cause of His being sent for one Fusilier invaded Georgia, & took great quantities of Cattle & some of our men from the frontiers, & much escaped him but seeing the then President Archibald Bulloch Esqr. true, & the Militia resolute He retreated—this good & worthy President was taken of in a very bad way indeed. I heard a Do[c]tor say He was poisoned but to return to General Howe, when He came here Mr. Gwinnett was President & seeing a favourable opportunity offer to take Augustine was going to try to take it—& General Howe refus'd to go over the line & wou'd not join to go against it, by any means whatever—but said Georgia was not invaded—indeed Fusilier was retreated & General Howe wou'd not join the Expedition but return'd back to Carolina. He left one Colonel Sumpter here a little while

& then sent for him away. How Mr. Gwinnett did wish for one General Moor. He said He knew said He wou'd have gone over the line any where. Tis plain Fusilier did not stand on that complement with Georgia—it was thought He was invited here, I heard Mr. Gwinnett say, the General said after He knew of their coming or expected them to come—twas thought He did. The Great Father of truth knows all I relate to be so, concerning the cruel ill treatment Mr. Gwinnett met with in this State, for Daring to be true to the United States in this State & I cannot doubt but the most worthy President & other Members of the Honourable Continental Congress, will do every justice to His Memmory. Tis there I seek redress, there's such a junto here none can be expected. tho the Blood of the Slain cries for vengeance, the widow & orphan in unutterable & inexpressible Grief seek to you in the midst of it for relief. There's no justice to be had here for liberty people yet.

The Honourable & August Body of the United States at the Grand Continental Congress, Condescending to Notice this, will be esteem'd a Tribute to the Deceas'd Button Gwinnett, by His Widow, who begs leave to subscribe Herself your Honours, most disconsolate & very sincerely griev'd Hble Servt.

A GWINNETT

Savannah 1777

August 1st.

GOVERNOR JOHN ADAM TREUTLEN'S LETTERS

Two letters from the Governor of Georgia to the Honourable John Hancock, President of the Continental Congress, relating to the Gwinnett-McIntosh affair. They were brought to York, Pa., by William Hornby, read in Congress, October 1, 1777, and the following day referred to a special committee ("Journals of Congress," Vol. VIII, p. 757).

The originals are in the Library of Congress.

To John Hancock

Savannah, June 19th, 1777

SIR,

Your Letter of the first of January last, respecting the traiterous Conduct of Mr. Geo. McIntosh, inclosing a Resolve of the Congress, was not received here, till the later End of March following Mr. Gwinnett the then President being desired by the Council of this State to take a command of as many Voluntier Companies of Militia as he could procure, in order to repel an Attack from the Kings Troops with Indians &c. from East Florida, had only time just to issue Orders for the Committment of Mr. McIntosh, which was accordingly done with Expedition & Secrecy. The Council in his absence at the Southward (almost the greater part being related to Mr. McIntosh) thought proper to admit him to Bail, notwithstanding many reasons were alledged against it, & they were not possessed of the original paper, or Letter, on which the accusation against Mr. McIntosh was founded. What appeared very extraordinary in this Affair, the greater part of the Council, with several other Gentlemen were bound for him in the penal Sum of twenty thousand Pounds.

This proceeding gave great uneasiness to our People in general, & their Clamours were so importunate, that our late house of Assembly thought it requisite to resume the consideration thereof. Several Evidences were brought before the Bar of the House, the result of which you have here inclosed, together with a Copy of the Resolution of the House.

It is evident the Gentlemen, who shipt the Rice on board the Brig Betsey knew that the destination of the Voyage was to be left entirely to the Junior Panton; now Mr. McIntosh, being a Member of our Council, must know the Character of these Men—that we had been warned by the Council of Safety at Charlestown of their supplying our Enemies with Rice &c., & that one of these Gentlemen as long since as March 1776 was put in Confinement in this Town, as inimical to the American Cause; that on his being released, he immediately took shelter among the Ships of War at Cockspur & with them sailed round to St. Augustine.

Surely this could not be a proper Person to entrust with Rice!

In consequence of the Resolve of the General Assembly, I have now sent Mr. McIntosh to Philadelphia, under proper Guard, commanded by Lieutⁿ. Colonel Ferrell, who will deliver him to your Orders;—but here my duty to my Country & regard to the American Cause obliges me to make remark of the Conduct of General McIntosh on this Occasion. James Scriven Colonel of the third Georgia Battalion having issued Orders to Captain Thomas Scot, Lieutenant Hancock & Lieutⁿ. Cole, to return to Virginia for the purpose of recruiting & taking up of Deserters, I thought fit to embrace the Opportunity to send Mr. McIntosh under their care & had appointed them for that purpose. Several Days were allowed the Prisoner to prepare, & these Gentlemen were detained for upwards a Week, when lo! on the day appointed for his departure, Genl. McIntosh thro' Colonel Habersham, was pleased to cause these Officers to be put under arrest, in order to frustrate the design of the Assembly. Such a stretch of military Power will undoubtedly be taken notice of by the Hon^{ble} the Congress, who have always

asserted & shewn the greatest tenderness to the Liberty of the Subject & are duly convinced of the necessity of the Subservience of the military to the Civil Authority.

This Subject leads me to the unfortunate Death of our late President, who lost his life in endeavouring to maintain the civil Power in opposition to the cunning & subterfuges of a designing man. Mr. Gwinnett, while at Sunbury waiting for the arrival of the Gallies & other Vessels to proceed to East Florida, was joined by a part of the Continental Troops, under the command of General McIntosh. The Council in a Letter had particularly requested the General to use every endeavour to promote unanimity & harmony & to do nothing without a Council of War, consisting of both the Militia & Continental Officers—this the General always evaded, & by that means laid a foundation for the Duel, that deprived this State of the Life of Mr. Gwinnett, whose loss at this time will be severely felt.

True it is that we are surrounded with Enemies on every side, & our small friends, the Tories, within our Bowels, are so very numerous & have such ties of Consanguinity, that all our Efforts against these Enemies of American Freedom have hitherto been languid and ineffectual. In short, our Civil Authority as yet has been so feeble, that little has been done, & am apprehensive nothing can be done, unless our People take the treatment of these Men into their own hands, or the continent gives us Assistance, sufficient to rout the Nest of Thieves in East Florida, who have numerous connections here, & thro' whose means the Tories in every part of America communicate their Intelligence to Great Britain.

There is not the least doubt, but the Province of East Florida would have been evacuated long before now, if they had not received Supplies of Rice & Cattle from this

State & tis very obvious from what Persons they have received them.

While the Command of the Continental Troops remains in the hands of the McIntoshes, our People will never think themselves safe, & even the Inhabitants of Florida will have nothing to fear from us: of this you will be particularly informed hereafter.

The House of Assembly, sensible of the great difficulty of bringing any Tory to Justice in this State, arising from their numerous Connections, have thought it the best way to send Mr. McIntosh to the Congress, that his case may there be considered, by Gentlemen, who cannot be biassed by any motives, & who will undoubtedly form an impartial & just Judgment of his Conduct.

I have the Honor to be,

Sir, your most obedient and
very humble Servant

JOHN ADAM TREUTLEN

The Hon^{ble}.

John Hancock Esq^r.

Savannah, in Georgia, Aug. 6th, 1777.

SIR,

It must undoubtedly appear surprizing to you not to have heard any thing particular from the Authority of this State, respecting the Charge against Mr. Geo. McIntosh. The reasons of the delay are various & could not well be prevented.—Mr. Gwinnett had prepared a Letter some time before his Death, which was found among his papers, a Copy of which I have now sent you—since that the bringing this Man to justice has been evaded thro' the Artifice & Chicane of the General his Brother. In a Letter which I had prepared, dated June 19th which is

sent you with this, you will see what Steps I had taken to carry into execution the Resolves of our Assembly. The Guard was appointed to conduct Mr. McIntosh to Philadelphia, & the General his Brother was every day promising his Appearance, but always objected to those Officers that were appointed by myself & Council. He wanted Mr. McIntosh to be indulged in the Choice of his Guard, & did not like he should be carried thro' the States as a Prisoner. For several weeks past, we could by no means get the Body of the delinquent, & yesterday Mr. John Wereat delivered me the inclosed Letter from Geo. McIntosh dated the 15th July, by which it appears, he is now on his way to Philadelphia.

In this Letter he says that he has done this in Consequence of the resolve of the Assembly, & my subsequent Order thereon in Council; this cannot be, because he left this State without my knowledge & without taking any papers from me concerning his Conduct; and also by hiding himself for several weeks past, he has in effect refused to be conducted to Philadelphia, in that manner, which the executive Authority of this Government thought proper.

As to his reasoning on the Constitution of this State, I do not sufficiently comprehend his meaning; no One, I am certain, if I know anything of my own heart, would be more ready to run all risques to protect the people in the secure Enjoyment of their rights & privileges; but if a man by his perfidy has forfeited that protection, he must expect the just reward of his Actions; & surely there cannot be a better way to support the Constitution of any Country, than to discourage & punish Traitors, as a more despicable Character cannot exist in Society. Upon the whole, it is very evident, that Mr. McIntosh has refused to comply with the Resolve of the Assembly of this State,

which expressly says, that the Sheriff should deliver him into the Custody of such Guard, as the Governor & Council of this State shall appoint to receive him &c., &c. On the contrary he has skulked off the State, like a Guilty thing, perhaps to deceive the Continental Congress, with such *ex parte* evidence & misrepresentations, as he can procure from his Tory Connections.

Fully convinced of the inestimable Value of any Man's Reputation, I must assure you, Sir, that altho Mr. McIntosh has been so unhappy as to fall under the suspicion of his Country, I should not express myself with the least Severity against him, provided he had behaved in this Affair with Candour & that ingenuous firmness inseperable from Innocence; but, in my humble Opinion, he has endeavoured to deceive, & practised every low Art, & subterfuge to skreen himself from the Examination of the impartial public.

His letter to Mr. Panton at Saint Augustine of June 16th, 1777, in his own hand writing, calling on him to do justice to his injured Character is somewhat extraordinary; however he there acknowledges that Mr. Panton was one fourth part concerned with him in the unlucky Brig & Cargo, sent from Sapelo River last June.

Mr. Panton an open & bitter Enemy to the American Cause, an Inhabitant of East Florida, the greatest Tool of Governor Tonyn, to procure Supplies for the Indians our Savage Enemies, Mr. Panton who had fled from the Vengeance of the Sons of Liberty in South Carolina, & Georgia this well known Mr. Panton is to clear up Mr. McIntosh's Character, & to satisfy the public that he is a disinterested Friend to the united States.

Mr. McIntosh seems to hint it as a Grievance that he is not tried, as he calls it, in the Vicinage.

If the Honourable the Continental Congress do not deter-

mine decisively in this matter, I must request the favour of having the several Affidavits & Letters returned. As the Vicinage Mr. McIntosh speaks of will be ready to hear & determine the Affair, and he has abundant reason to think it an Indulgence to be sent before your honourable Body.

By an Express arrived this Evening from our Western Frontiers, we learn, that the Creek Indians have been again committing hostilities, & stealing the Horses &c., of our Settlers. Several valuable Officers & Others have been killed & wounded in this skirmish. Such will always be the alarmed Situation of this Country, as long as these Savages have their minds poisoned by the People & refugee Tories at Saint Augustine.

As Colonel Walton & Doctor Brownson our Delegates at Congress have desired to be recalled by November next, our Assembly have resolved to send Messrs. Lyman Hall, Edward Langworthy & Joseph Wood to succeed them, the two latter of whom, with the Accounts of this State, will endeavour to be at Philadelphia by that time.

And here I cannot but observe that we have been obliged to issue large Sums of Money, for the support of the Continental Troops, & at present our Treasury is entirely destitute of Continental Currency. These large Emissions tend much to the depreciation of our Money, & affect the Interest of our People. We are convinced, that our Currency is of equal value with that of any other State, but our neighbours, the Carolinians do everything to discourage us in this matter. I could wish to see but one Currency on the Continent, it would make for the good of the public Service, & prevent in future any disputes & animosities about the value of it.

Several of our Officers have been obliged to expend, on their own Account, large Sums of Money, in the recruiting

Service, & we are much at a loss how to repay them, for want of Continental Currency; I am therefore obliged to draw on you, on Account of this State, for the Sum of twenty thousand Dollars. The Express, Mr. William Hornby, who is entrusted with these dispatches, is an honest Man, & will do everything necessary to bring the same to Georgia. I hope you will pay it into his hands, & cause him to be dispatched with all possible Expedition.

Since I begun the above, I have been informed that a Pamphlet has appeared, entitled the Case of George McIntosh Esq^r.—Those Gentlemen that have read it, say it is replete with falsehood & misrepresentation & am told, an answer is preparing & will soon be published.

I have the Honor to be, most respectfully

Sir, your most obt. humble Servant

JOHN A. TREUTLEN

The Hon^{ble}.

Jno. Hancock Esq^r.

August 13th 1777

P. S.

Messr^s. Massenburg & Woodbridge, two Gentlemen, American Prisoners, that have lately made their Escape from St. Augustine, & are now travelling to the Northward, have paid the Sum of thirty nine Pounds Georgia Currency into our Treasury, for which I have drawn a Bill on you in Continental Currency, which request you will honor & place to the Account of this State. They sold the Boat they made their Escape in, & some of their Cloaths to procure this Money.

GENERAL LACHLAN McINTOSH'S LETTERS

Two letters written by General McIntosh giving his version of the controversy with Button Gwinnett. The first is dated Savannah, May 30, 1777, and is from a contemporary copy in the possession of Mr. François Lüdger Diard, of Mobile, Alabama. It is addressed to Henry Laurens of South Carolina and was placed in his hands while he was on his way to attend Congress in Philadelphia. The second is addressed to George Walton, delegate from Georgia in the Continental Congress. It is from a copy of the original in the Library of Congress.

To Henry Laurens, Esq.

Savannah, in Georgia, 30th May, 1777.

DEAR SIR:

As I hear you are shortly to set out for Philadelphia, to Congress, I will trouble you with the depositions of the two seconds in the late affair between the unfortunate Mr. Gwinnett and myself, to prevent misrepresentations which I have reason to expect from the unremitting, though undeserved malice of the relics of the party. When the affair first happened, it seemed to give general satisfaction throughout the state to all parties; as if our unhappy divisions were thereby at an end. And, afterwards Mr. Gwinnett's death, which was evidently owing to the unskilfulness of the doctor, appeared to make no alteration in the mind of any one except myself, who was partly the unfortunate, but innocent instrument of it. No information was lodged, or prosecution commenced against me; all parties visited me; and even his wife publicly declared me innocent and altogether blameless, and often inquired after my health. Yet the restless, unwearied, and wicked inveteracy of old H [Hall] and W [Wood], and their abettors, whose designs peace and unanimity by no means suit, has artfully worked the matter up in secret, until now they have brought it before the Assembly, who have attempted to bring the Chief Justice and other magistrates to account for taking no notice of it: and deprive me of my command in the army; as they say I am, or should be under arrest (although I have only passed my word to Mr. Glen to appear in case my prosecution should be com-

menced); and take upon themselves to direct the very details of the duty; which ruins and saps the foundation of all military discipline, and that subordination and respect, so necessary in the army, to superior officers. They have even encouraged some officers of our third regiment, just arrived from Virginia, to enter into combinations, and remonstrate to the Assembly against Colonel Habersham; that unless they break him, they will all throw up their commissions, and their men will follow them,—who have been so amazingly expensive to the United States,—giving this ungentleman and dishonourable reason, that he was my second in a duel, (as they say,) contrary to an article of war. In short, sir, contempt and disobedience to orders is become the sure road to promotion amongst us, which all lies with the Assembly, from the Colonel to the Ensign; and commissions filled up without the approbation or knowledge of the commanding officer. Many of those who served the country from principle, and not for gain, have been teased into a resignation, being too honest to serve [dishonorable] purposes, and chagrined that the service [i. e. of the country] could not be carried on with any degree of propriety or usefulness to the State. Unless the Congress fixes some line between the government of their army and the interference of the civil government of this restless and unsettled State, it will not only become useless, but a nuisance to the inhabitants.

Ever since Mr. Gwinnett was disappointed in the Brigadier General's commission, which he expected from Congress, himself and party seemed to lose sight of everything else, than [except] to render the army obnoxious, and create the utmost confusion and disorder in it; wherein they used the utmost art, invention, and industry on every occasion; and when they found themselves every way disappointed by my circumspection and caution, they fell

to personal abuse, slanderous and false insinuations and assertions, to my prejudice; knowing my declared aversion, from principle, to private quarrels and duelling, until at length my best friends were astonished at my forbearance, and my enemies construed [it] into a meaning [i. e. cowardice] which made them prompt the unfortunate man to his own destruction, though it was intended to bring me into this dilemma; if I refused the challenge, on any pretence, they would immediately cry out, "How unworthy he is to hold his commission!" although I have on all occasions, exposed myself more than any soldier under my command, in defence of the State, which that very junto often acknowledged! And, if I accepted it and fell, they would get rid of me who, at all times, exposed publicly their designs against the freedom, peace, and order of the State; or, have an opportunity of plaguing me if that should be the fate of my antagonist. Thus, sir, I have troubled you with a short account of this affair, that you may be enabled to do justice to my character in Congress or elsewhere, as you go along to the northward. I may hereafter give you, or my friend, Mr. George Walton (to whom I beg you may communicate this) a fuller account of the matter from the beginning. I heartily wish you a good journey, and am, dear sir,

Your most obedient humble servant,

LACHLAN McINTOSH.

P. S.—Tuesday, 3rd June:—Notwithstanding the malice of my enemies, I have this day been allowed to enter into recognizances, only to appear at Sessions next October, and am recovered so well that in a few days I expect to resume the exercise of my duty as usual. Mrs. Gwinnett, I am informed, has entered a prosecution against the doctor, who seems to be generally blamed for the death of her

husband. The seconds acknowledge the inclosed paper to be literally true, and the whole matter of fact, as it happened, but think it improper they should sign or swear to it, as it might take themselves in?

To George Walton, Esq'

Savannah 14th July 1777

DEAR SIR

I duley received your very kind & agreeable favoures of the 18th of April & 1st May and a paquet of Gazzetts &c with each for which please to accept my hearty thanks. In your last you desired me to enter upon politicks but I must acknowledge to give you a tolerable account or Idea of the politicks of this State is above my ability besides at this time for a soldier (if at the same time a fellow citizen) to give his opinion or censure the conduct of any man in the civil lines might be deemed no less a crime than Treason. Tho' I hope mentioning the inconveniencys my own department labours under will not be construed such. The unhappy divisions of our State now infect the army who are takin sides and I fear will ruin all military order and subordination. I realy begin to be tyred of the service in the manner I see it must be carried on here. If we had the whole power of Europe to contend with us as well as Brittain I would chearfully continue my exertions in so honest a cause to my last Hour, but when my duty is made to clash with the obedience I owe my country I must confess I am at a loss how to act and could wish either to be remov'd or if I could do it with honour to resigne. It will perhaps astonish you to be informed the utmost paines is taken in pursuance of the plan of your former colleague to bring me into suspition which I flatter

myself hitherto only redounds to my honour. I whose utmost wish this twenty years in private was to see the present Glorious Revolution ever an enthusiast in principle for a popular Government in its fullest extent and nothing else could have roused from my favorite Retirement; am now charged as I am told in Mr. Woods meetings with attempting to subvert the Government for endeavouring only to keep a due subordination in the army. My conduct in the attack upon Savannah in March 1776 for which I was cried up far above my merit and suit an Alexander or a Ceasar rather than an humble Farmer or one of my poor abillitys is now canvassed & brought against me for favouring the enemy. My connection especially with George McIntosh who is now hunted through the woods and swamps like a patridge in *Liberty* County and the most respectable characters in the State who have spirit to asert his innosence is looked upon almost as bad. My country altho I came a child with my parents at the very first settlement of the coloney above forty years ago into it: and know no other & my very *name* for want of other reasons are now charged as Crimes against me by the party as I am informed for everything is kept in the greatest secrecy from me. The first regt. which you have often admired the *boast* of Georgia composed altogether (Officers as well as men) of its own natives & inhabitants & which General Lee & other good judges declare to be the best on the contenant, have suffered more fatigue and done more duty perhaps than any other in a state; kept almost in perpetual alarm in all Quarters of it. Yet it is now as much cryed down for not being so plyable & shewing better dissipline and subordination than some other lately come in. Jos. Wood Esq^r, I am told calls it disobedience and disrespect to the civil power. If the several officers doo not take their orders from the assembly or

councill without respect to their superiors in command or come through that channell for particular dutys & that *he* will have it broake. In short officers now are at a loss who to obey properly. For my own part you know how carefull and cautious I always was to cheque every unes-
esary power in the army that they are at best a nes-
esary evil—but while they are *nesesary* and so great an
expençe we must not render them useless by sapping that
subordination and obedience without which they would
become a neusance. These things I think it my duty to
mention that you may aply to congress to put their army
in this state on some certain footing & fix some line be-
tween the civil & them that they may not hereafter be at a
loss to know their limits and I am sure it would be with
the greatest impropriety & injustice. If I should be
charged with endeavouring to extend these limets beyond
their due bonds wheather I command the Army here or
not. I have now given you some of my complaints & I
think I hear you reply as some of my friends here do—
whose fault is it. You was always a mad Republican in
its greatest latutude upon that principle. You exerted
yourself in vacating the seates of Officers and place men in
assemblys and councils, &c., &c. which deprived the most
usefull departments of many of the best men where there
were so many officers civill & military & so few of knowl-
edge & experience in buseness to suply their places and tho'
otherwise honest & well meaning men may possibly be im-
posed upon by the artfull & the designing. In answer to
which I say that I still think the principle good and altho'
it may be too soon and we may probably suffer for a while
yet it will the sooner bring us all to be men of experience
and knowledge in publick business and more capable of
serving our country. The interested will soon be detected
and neglected. I fear our recruiting business is almost

over—none can be expected this side of North Carolina or Virginia and every officer I have had in these states lately have returned unsuccesfull. They informed me each of them passed an act lately to prevent any of their men inlisting for any other State untill their own respective Rgts are full which in fact is prohibiting altogether and is rather ungenerous if not unjust and I think should be represented in Congress. I will inclose you a letter upon the subject from a Lieut. of our Horse.

I formed a plan of recruting men in old France if we will [be] allowed, & I think we can get them much sooner & cheaper than the Northern States provided we could get money or produce that would suit these. Our Cap^t. Delaplain went off from here about six weeks ago for that purpose on tryal besides the men would be a real acquse-tion of strength to the States. Our late Don quixot Expedition to Augustine proved abortive as I expected. Our late president & council conferred the command of it on Colonel Elberte which I allowed for peace sake. He went by water to St Marys with three gallys & about 400 men in Craft of various kinds and Baker with his Horse by land & returned again, without being able to affect any one thing after an amazing expence. We are informed about 250 men are lately sent from Agustine to the Northward near a 1,000 remains there still it is thought and three men of war crusing between there & Charlstown. Our friend Mr. Werreat will send you by the bearer Mr. Donaldson the case or true state of George McIntosh's affair which must apear cruel & indeed alarming to every person who peruses it carfully. As a positive order of Congress (tho I see nothing like it) in their resolves is made the pretence. I wish you could get an order to have him tryed here & send it by express to me if no opportunity offers directly. Perhaps Tarling or Demere may be comming.

His present situation is truly deplorable [hiding] himself from camp to camp in the swamps. His children neglected his crops gone, part of his slaves in custody & part in the woods, his stock &c destroyed. Surely some retaliation should be made for his losses tho none can be made for such usage to an innocent Man. Let me beg of you to try your interest in his behalf and communicate this letter to my friend Col. Laurence to whom I wrote just as he was going away from Charlestown which I desired him to shew to you—with any other of your friends you may think proper.

I am very respectfully D^r. Sir

Your sincere friend

Wood & C^o surely must think if they could remove me out of there way they could carry on everything at pleasure. I never spoke twenty times in my life to that man. Yet he & his party are indifatigable in their researches for slander against me. You may remember I often told you of a small parcell of 30 Barrels rice Ja^s. Spalding bought of me at Christmas 1775 which it was said he afterwards sent with other rice to Martin Jollife's upon St. Marias [St. Marys] river on the bounds of our state. When I went home next after the attack upon Savannah & was informed of this I immediately ordered Cap^t. Carney to raise a party of men without delay proceed to St. Marias & destroy all the rice he found there if he could not get vessels to bring it back, which I reported to the council of safety soon after, on my return to Savannah and recommended to them strongly to fall upon some effectual method in future to prevent the enemy being supplied with provisions which was approved of and my conduct highly applauded in the affair & was indeed the first time any steps were taken for

that purpose in consequence of my application—Yet these
 ——— insinuate industriously and artfully in
 private (for they dare not say anything to my face) *that*
part of the Generals rice went to Augustine without any other
 explanation which is excessively mischievous & wicked.
 But the text on which they continually preach & harp upon
 now is duilling which they say must be prevented in future
 by some example endeavouring to prejudice those who are
 to be my Judges next October although they know me to be
 the greatest enemy to it in the State unless it is unavoid-
 ably which perhaps may not happen one in an age. These
 are only few of their manouvers which men of sense see and
 abhor but think they cannot last long. It will however
 shew you how disagreeable my situation is and wish it
 could be remedied.

I am as before yours

L [ACHLAN] M [cINTOSH]

15th July 1777

I forgot to inform you that in my last a peace was con-
 firmed between the States of So. Carolina, Georgia and the
 Cherokee Indians at Dewits Corner and all the Lands
 between the mountains (which is the best part of our state)
 ceded to So. Carolina seemingly by consent of all parties.
 The 15th of last month a like treaty was made with the
 Crick Indians at Old Town Ogeechee which if sinceire is a
 happy circumstance. You will hardly desire me to write
 upon politicks again as I believe this will tire you. Tell
 Tarling and Demere I want to see them much. Doctor
 Houstoun in a letter of the 2nd of June informs me De-
 mere wrote a long letter to me which I never Rec^d. perhaps
 it fell into the hands of the J—to. Do send me a
 pensylvania Constitution as I am told ours is taken from
 and similar to it. And the other Resolves of Congress

as far as they are printed. Altho I always send returns to General Howe in Charlestown & am now by Resolve of Congress oblige to make them also to our Governed^t & Councill. I would inclose you one for your information but have none by me now and our Troops are so dispised [dispersed] in different parts of the State that it is not easy gitting them—but will only say that most of the men of our 1st Regiment are lately discharged and they are now only about 200—the 2nd Rgt. about 400—the 3rd about 300—the 4th I am told only 3 men besides officers for they make no report to me nor do I know if they look upon themselves to be under my command and I cannot get a proper return of the Regt of Horse for some time but suppose they must be above 300.

I am yours &c.

L. M.

Hon^{ble}. Geo^r. Walton Esq^r.

PETITIONS OF THE ASSEMBLY AND OF
CITIZENS OF GEORGIA RELATING TO
GENERAL LACHLAN McINTOSH

The first petition is from the Assembly of the State of Georgia, signed by Noble W. Jones, Speaker, and dated September 13, 1777. The second is from the citizens of Chatham County. They are both addressed to the President and Members of the Continental Congress, and the originals of both are in the Library of Congress. That from Chatham County is one of similar petitions from other counties of the state. Those from Effingham, Wilkes, Richmond and Liberty counties are in the archives of the Library of Congress.

Petition of the Georgia Assembly to the Continental Congress

State } To His Honor the President, & the rest of the
of } Members of the Honourable the Continental
Georgia } Congress.

The Address of the House of Assembly of the said State,
now sitting.

We the Representatives of the Freemen of the State of Georgia in Assembly met, would beg leave to address the Honourable the Continental Congress, & to lay before them sundry reasons for the removal of Brigadier General McIntosh out of the said State.

Being ever solicitous for the safety of the united States, as well as of our Constituents, we cannot but express our fears & the many apprehensions we labour under, when we reflect, that the said General McIntosh has any command of the Continental Troops, raised for our safety & protection. We cannot but think this to be contrary to the true Interest of our Country, as the said General McIntosh was raised to such high rank in the Continental Army, without any Application of ours, either to the Honorable the Congress, or to our Delegates at Philadelphia.

We have also experienced on several occasions an Aversion in the said General McIntosh to comply with the requests of the legislative & executive Authority of this State, not to mention his evasive Conduct to join in a Council of War at Sunbury, on the late Expedition against East Florida, which in the end was productive of a Duel between him & Button Gwinnett Esq^r., our late President, in which the latter received a mortal wound, to the great Loss of the public.

That on his being arrested by the civil Power for the Duel aforesaid, the House of Assembly judged him incapable of exercising further command, till a decision was had in that Affair; and informing him of his Disability, & expecting his acquiescence to the Opinion of the House, that thereby the command might devolve on the next Officer in Rank, we received from him for answer an absolute refusal to comply with our determination.

His conduct upon the whole has been such, as to give universal Offence, & has produced the greatest uneasiness in many of the Friends of the American Cause.

We therefore hope, your honourable Body, taking these matters into Consideration will be induced to remove the said General McIntosh out of this State, which we are firmly persuaded is a Step absolutely necessary for the immediate Safety of the same, as the People have no Confidence in him, and they would with great reluctance join under his Command in any Opposition whatever to the Enemy.

By Order of the House of Assembly,
Savannah, 13th Sep^r. 1777. N. W. JONES *Speaker*

*Petition of the Inhabitants of Chatham County,
Georgia, to the Continental Congress*

GEORGIA.

To the Honorable the President, and the rest
of the Members of the Continental Congress,
now sitting at Philadelphia.

The Memorial of sundry Freemen, Inhabitants of the
County of Chatham & State aforesaid.

Your Memorialists anxious for the safety of the united
States, & willing to contribute all in their Power to the

support & maintenance of civil Liberty, beg leave to present their Memorial to your honorable Body which from your known Attention to the public Peace, & the civil Rights of Mankind, your Memorialists flatter themselves will meet with your notice and Consideration.

It is with the highest pleasure & Satisfaction your Memorialists are led to mention the great Attention, your honourable Body have already paid to the safety & protection of this infant State, in granting us so many Battalions & other forces, as appeared necessary for our defence. Your Memorialists are sensible, it was with an Intention of our further protection, that your honourable Body were induced to raise Lachlan McIntosh, then Colonel of the first Georgia Battalion, to the Rank of Brigadier General, in the Army of the united States, & this with the Suffrage & approbation of the Delegates of this State, then Members of your honourable Body.

But your Memorialists would beg leave to represent, that the Gentlemen Delegates were in this Instance greatly mistaken, as to the true Interest of their Country, & that they acted without any advice or Instructions from their Constituents, who never thought Mr. McIntosh capable of discharging so important a Trust, or remarkable for his warmth and zeal in the American Cause.

Your Memorialists cannot but declare, that it is with very great uneasiness, they see a Man without any merit, or experience whatever, raised to so conspicuous a Station in the Army, whose Connections & relatives for the most part are open & avowed Enemies to the united States, & have caused great discontents in this State by their Conduct; Your Memorialists would take the Liberty of mentioning some of them.

The General's Brother Wm. McIntosh was sometime since entrusted with the Command of the Troops of Horse,

raised for the defence of our Frontiers, but resigned his Commission on account of the Clamours of the people: the Men under his command were always uneasy & frequently deserted, so that by some means or other a large Tract of Country on our Southern Frontiers was evacuated, & several thousand head of Cattle were driven by our Enemies across St. Mary's River into East Florida.

Your honourable Body are well acquainted with the traitorous Conduct of his Brother George McIntosh, & it is not long since a Relation of his, one Alexander Bailey was detected in carrying Advices to East Florida, & passing to St. Augustine, to apprize our Enemies of an intended Attack on that Province.

The General has also a Relation of the Name of McIntosh now among the Indians, who has been remarkably active against us; and the Gentlemen, who shipt the Rice, together with George McIntosh, are connected with the General by the Ties of Consanguinity. As the General abounds with such Connections, Your Memorialists cannot but labour under the most alarming Apprehensions for the Safety of this State, and the dangers to which our Inhabitants may be exposed, thro' the perfidy of pretended Friends.

Your Memorialists must also remark, that on several occasions, they have observed a great Aversion in General McIntosh to comply with the requests of the Executive Authority of this State, not to mention his evasive Conduct in refusing to call a Council of War at Sunbury, agreeable to their request, which in the end was productive of a Duel between him, & our late President, in which the latter received a mortal wound to the great loss of the public.

His Behaviour with respect to his Brother George has given us a fresh alarm; our late Assembly ordered that he

should be sent to Philadelphia with such Evidence, as had been procured against him; Mr. McIntosh desired a little time to prepare himself with some Cloaths & other necessities for the Journey; which was granted him thro' the mediation of the general his Brother, who tampered & made use of every Species of low Cunning, both with the Governor & Council; & even attempted to persuade them, they might chuse, whether they would send his Brother to Philadelphia or not. The Governor & Council for several Weeks past have frequently demanded his Body to be delivered to the Sheriff, but the General by sundry evasions, hath put it out of the power of the Executive Authority to comply with the Orders of the Legislature, in sending him to your honourable Body, insomuch that we are not without our fears of being under a military Government, & subject to the dictates of a prejudiced & suspected Officer.

Your Memorialists must assure your honourable Body, they have not set forth ought in malice, but entirely from motives of Self preservation, & the good of the American Cause. Your Memorialists therefore hope your honourable Body will take the Premises into Consideration, & order, as soon as possible, the removal of General McIntosh from among them, as your Memorialists are thoroughly convinced, it will highly discourage our Enemies in East Florida, & be a more deadly stroke to Torryism in this State than any other can be; & grant them such other Relief, as to your honourable Body shall seem meet.

Dated at Savannah, the first day of July, One thousand seven hundred & seventy seven.

James Martin
Matthew Stewart
Wm. Hornby

Neh M. Wade
Willm. O'Bryen
Ambrose Wright

James Flint	James Papot
Joseph Dunlap	Benj ^a . Mevis
John Hamilton	Thomas White
Wm. Wright	John Greene
Wm. Belcher	Peter Pechin
Wm. Evans	Theodore Gotear
Wm. Summers	Tho ^s . Morgan
Samuel Spencer	James Lane
Pete P. Provoort	Powell Griggs
W. Gus Chevalier	William Sims
H. R. Wood	Archard Hatchett
John Shick	Nichol ^s . Nielson
Mathew Ash	Joseph Farley
his	John Maudin
Rodolph X Shawgraker	Joseph Reynolds
mark	John Brown
Lewis Giroud	Frederick Frahm
A. Lowe	David Moses Vallotton
Edw ^d . Davis	Lawrence Mertz
Dav. Brydie	Tho ^s . Hamilton
Robert W. Donald	Joseph Strable
John Newdigate	Rudolf Lurgi
Jno. Langford	Abraham Gabriell (?)
John Lyon	John Clarke
Saml. Stirk	Balthaser Shäffer
Jon ^o . Martin	Franz
his	Sam ^l . Watson
Charles X Febeau	John Richards
mark	Herman Herson
Thomas Wilson	Robert Marsh
Adden Froget	Benjamin Farley
Henry Bourguin, Jr.	John Pebeau
Benjamin Wilson	Bened ^t . Bourquin
John Wilson	David Francis Bourquin

Frederick Churchwell
his

Lewis X Acord
mark

Rich^d. Capers, Jr.

Joseph Raynes

James Wilson

Robert Harden

his

John X Becket

mark

[ENDORSEMENTS]

GEORGIA In Council—Savannah Sep^t. 26th 1777

We the Governor and Council of the State of Georgia do hereby certify that the within Memorial is genuine and the free Act of the Subscribers, and convey the Sentiments of a Majority of the good people of this State.

John A. Treutlen, Gov^r

Benjamin Andrew

William Hobzindorf

Jn^o. Lindsay

Wm. Chevalier

George B. Spencer

John Fulton

A Memorial from the Inhabitants of
Chatham County in the State of Georgia—

1777

Memorial of County of

Chatham in Georgia

July 1st 1777

respecting Gen. McIntosh

TWO LETTERS ABOUT GENERAL McINTOSH

Letter from Col. Daniel Brodhead to the Commander in Chief, George Washington, dated January 16, 1779, from the original in the Library of Congress.

Washington's reply to Brodhead's letter is in the hand of one of his secretaries. It is copied from the draught in the Library of Congress.

To General George Washington

Fort McIntosh Jany. 16th 1779

DEAR GENERAL—

I have long doubted the propriety of writing you an Account of what I sincerely wish you to know relative to the circumstances of the Army here and nothing but the hopes I entertain of your pardoning me when I Err not with an Evil intention could induce me to attempt it. For upon my Honour I know no Circumstance would give me more pain than incurring your displeasure.

Nothing but a love for my Country brought me into this Service and the same principle makes me ever anxious for its good—

I trust I shall utter nothing that has the least appearance of detraction & will not even mention particulars But beg leave only to inform your Excellency that General McIntosh is unfortunate enough to be almost universally Hated by every Man in this department both Civil & Military. Therefore whatever his Capacity may be for conducting another campaign I fear he will not have it in his Power to do anything Salutary—I wish my fears may prove Groundless but I have no reason to think them so.

There is not an officer who does not appear to be exceedingly disgusted and I am much deceived if they serve under his immediate Command another Campaign—I am ever obliged to your Excellency for offering me another Regt. last Spring & I am sorry I did not accept it. With

every mark of Gratitude & Sincere Regard I have the Honour to be your Excellencies most

Obedt. Hble. Servt.

DANIEL BRODHEAD

Col. 8th P. Reg.

His Excell^y GEN^L. WASHINGTON

To Col. Daniel Brodhead

Head Quarters 15th Feby, 1779.

D^R. SIR.

I have received your letter of the 16th ult^o.

Its contents give me that concern which ever arises in my mind from any indication of a want of that harmony and mutual confidence between officers, which the public interest requires.

As it is my duty to remedy every abuse, of which I am authorized to take cognisance—if any charge were brought against General McIntosh I should immediately give it proper attention— But a moments reflexion will make you sensible that your general assertion and opinion with regard to the dissatisfaction of his officers is by no means a foundation for any measures on my part respecting him, that will either convey or imply censure.

Impartial Justice as well as that delicate regard which is due to the character of an officer, and which you and every one in a similar case would expect, requires something more positive and definite to proceed upon.

If there are discontents among the officers—the motives of them must be known before their merits can be judged of—and they alone can furnish grounds for an investigation.

The sole reason for appointing General McIntosh to his

present command was an opinion of his being in every way qualified for it—and I must observe that while the General was immediately under me his conduct gave the most favourable impressions of him in every respect.

I have only to add that the honourable the Congress having put this command immediately under my direction and thereby created a degree of responsibility in me I am particularly called upon to watch over its Success and as it is my duty and wish on the one hand to redress every just complaint, so it will be expected of me on the other to discountenance every ill founded uneasiness that may prejudice the service.

Upon the whole it is my earnest desire that every one will as far as depends on him cultivate and promote that good understanding which is indispensable to the general interest.

And I entreat that you will do every thing in your power to accomplish this desirable end.

I am

D^r. Sir &c.

GEORGE WASHINGTON

THE PUBLIC DOCUMENTS OF GEORGIA

While much material relating to Georgia's Colonial and Revolutionary period has been published by the state, the following letter from Mr. William S. Irvine of Atlanta, Ga., indicates that there are still many documents which should be rescued and published.

Letter from William S. Irvine

Atlanta, Ga., Nov. 1, 1925.

DEAR MR. JENKINS:

You need not think that you are getting all the "thrills" in the finding of unexpected material. I had four in a few hours of each other a few days ago. After several requests for permission to "dig" among the various and sundry documents in the basement at the Capitol, and with as many "put offs" and refusals and side-tracking and delays—extending over a period of months and years—last week I was given the *golden key* and turned loose; then with the statement that anything of historical value had already been moved to the Department of Archives, and that everything in the basement was listed anyway in the later records, etc. Yet hope sang her high notes of anticipation. This basement is the "attic" of old papers; out-of-dates; duplicates; papers already recorded in full and indexed in the Secretary of State's Office—practically, a few miscellaneous land grants, etc., etc. The Chief Clerk of the Department said that "behind a bulwark of later index files, over a hundred, there was an old hand-made cabinet that contained odds and ends of papers—possibly going back to pre-Revolutionary dates, some Acts, etc." Well, I hooked up a twenty-foot light extension and, doffing my coat and collar, proceeded to explore the caverns. First, the old files of land grants, 1732 to 1784. Old documents yellowed with age; damaged by the moisture that dwells in basements, then dried out in the winter by the heat of the near-by furnace; folded and

packed by weight of others; showing disturbances and molestations from time to time; the top papers covered with a deposit of fine paintlike soot which had crept through slight crevices and abode like a pall upon them; papers at various intervals underneath which showed that they too, at some period, had been the top ones; tied into packages with strings which long ago had ceased to function; papers so folded and mummified that they cracked like parchment and broke like watch crystals. They were slowly and breathlessly opened. Here were the strong pen of Governor Reynolds, the faltering lines of Governor Ellis, the erratic tracings of Governor Wright, and the feverish hand of Acting Governor Habersham. Here a deed to a lot at Sunbury, Hardwick, Ebenezer, Frederica, Fort Barrington, etc., towns long ago dead, forgotten, and lost. Among them were papers jammed and crammed into bits, like some dried fruit, others like the litter from a rat's nest—these original papers, the heritage of History! There, among the worst torn and cracked into bits, I saw "Bosomworth"; my heart leaped; slowly I turned the fragment "atherine"—then another piece "St. C"—"Mary B," then another bit, and before me lay portions of DeBrahm's original map of St. Catherine Island, made under Royal instructions in 1759, for the conveyance to Mary Bosomworth! I searched further and found more pieces and gathered them together. Next, I found the original issue of the Royal instructions to DeBrahm to make the survey, the document in very bad shape. My search went on. Soon, a parchment came to view—very dim in lettering, and dimmer in that light, where the walls made shadows darker. But I put on an extra pair of spectacles and read "Button Gwinnett," a land grant to his petition of December 2, 1766, with other dates May 7, 1771, Sept. 1, 1772, March 2, 1773.

I placed them with the other papers, and dug on. Soon, a fearfully torn grant was reached; on a small piece I saw "nnett," and on another "But," then on another "Button Gwinnett," one date being "Recorded 6th April, 1773," 1,000 acres in St. Andrew. These four were all of Gwinnett material. The five hours there were good hunting. The next three days I spent in the dungeon with the barricade in front of the old cabinet, spent three hours in removing and replacing this barricade, and about ten hours in going over the documents. These proved to be of dates from 1787 to 1808. Engrossed acts of legislature, from which draped and dangled the big and almost gigantic seal of the States; resolutions of the Senate and House, joint resolutions; executive papers; Governors' proclamations; Secretary of State papers, etc.—but not a line more of Gwinnett matter. Somewhere else, it is thought and hoped, there are papers which belong to the Revolutionary period. I will continue to search. I urged the Secretary to have all of these papers placed in the Department of Archives. He agreed with me, and so I had the satisfaction of getting a sub-janitor and taking them there. All the officials admitted that they did not know that the Gwinnett papers were there, and many others that I reported, as they supposed what was of historical value had been placed in the archives soon after it had been established. Miss Ruth Blair, the State Historian, in whose charge is the Department of Archives, had Miss Ham, the expert manuscript "mender" to proceed right away on the Gwinnett papers, and as soon as they are ready, I will have photostats made and sent to you.

Sincerely yours,

WILLIAM S. IRVINE.

THE END

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